



100 West Washington Street, Suite 1101 | Hagerstown, MD 21740-4735 | P: 240.313.2200 | F: 240.313.2201  
WWW.WASHCO-MD.NET

---

## **BOARD OF COUNTY COMMISSIONERS**

**June 28, 2022**

### **OPEN SESSION AGENDA**

- 10:00 AM      MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE  
CALL TO ORDER, *President Jeffrey A. Cline*  
APPROVAL OF MINUTES: *June 14, 2022*
- 10:05 AM      COMMISSIONERS' REPORTS AND COMMENTS
- 10:15 AM      STAFF COMMENTS
- 10:20 AM      CITIZEN PARTICIPATION
- 10:25 AM      FY22 BUDGET ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF  
EDUCATION'S GENERAL FUND BUDGET  
*Jeffrey Proulx, Chief Operating Officer, WCPS; David Brandenburg, Executive  
Director of Finance, WCPS*
- 10:30 AM      PUBLIC HEARING – APPLICATION FOR ZONING MAP AMENDMENT  
(RZ-21-005)  
*Travis Allen, Comprehensive Planner, Planning and Zoning*
- 11:15 AM      PUBLIC HEARING – TEXT AMENDMENT TO BUILDING EXCISE TAX  
ORDINANCE  
*Rich Eichelberger, Director, Permits and Inspections; Kirk C. Downey, County  
Attorney*
- 11:30 AM      APPLICATION FOR ZONING MAP AMENDMENT RZ-22-002  
*Travis Allen, Comprehensive Planner, Planning and Zoning*
- 11:45 AM      FORT RITCHIE GRAVITY LINES AND MANHOLE REPLACEMENT  
*Mark Bradshaw, Director, Environmental Management*
- 11:50 AM      CONTRACT AWARD (PUR-1553) – ENGINEERING SERVICES  
REQUIREMENTS CONTRACT FOR THE DEPARTMENT OF SOLID WASTE  
*Brandi Naugle, Buyer, Purchasing; David Mason, Deputy Director, Solid Waste*

- 11:55 PM CONTRACT AWARD (PUR-1554) – LANDFILL MONITORING SERVICES – REQUIREMENTS CONTRACT  
*Rick Curry, Director, Purchasing; David Mason, Deputy Director, Solid Waste*
- 12:00 PM CONTRACT AWARD (PUR-1547) – DIVISION OF ENVIRONMENTAL MANAGEMENT- ENGINEERING SERVICES REQUIREMENTS CONTRACT  
*Rick Curry, Director, Purchasing; Mark Bradshaw, Division Director, Environmental Management*
- 12:05 PM INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-22-0089) – TWO (2) NEW 2023 COMPACT VEHICLES  
*Rick Curry, Director, Purchasing; Mark Bradshaw, Division Director, Environmental Management*
- 12:10 PM SOLE SOURCE PROCUREMENT AWARD (PUR-1561) – FAMILY CENTERED SUPPORT SERVICES IN WASHINGTON COUNTY, MD  
*Rick Curry, Director, Purchasing; Rachel Souders, Senior Grant Manager, Grant Management*
- 12:15 PM SOLE SOURCE CONTRACT AWARD (PUR-1562) – PROVISION OF HEALTHY FAMILIES HOME VISITING SERVICES IN WASHINGTON COUNTY, MD  
*Rick Curry, Director, Purchasing; Rachel Souders, Senior Grant Manager, Grant Management*
- 12:20 PM EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP) ADDITIONAL FUNDING  
*Rachel Souders, Senior Grant Manager, Grant Management; George Newman, III, President/CEO, Washington County Community Action Council*
- 12:25 PM POLICE ACCOUNTABILITY, COMMUNITY, AND TRANSPARENCY GRANT PROGRAM – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING  
*Cody Miller, Quartermaster/Grants Managers, Washington County Sheriff's Office; Rachel Souders, Senior Grant Manager, Grant Management*
- 12:30 PM HOUSING AUTHORITY OF WASHINGTON COUNTY, MD – COOPERATION AGREEMENT - DISSOLUTION  
*Kirk C. Downey, County Attorney*
- 12:35 PM AGRICULTURE – FACES OF FARMING PRESENTATION  
*Susan Grimes, Director, Business Development*

12:40 PM      CLOSED SESSION - *(To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals)*

1:05 PM      RECONVENE IN OPEN SESSION

1:05 PM      STAFF COMMENTS

ADJOURNMENT



## Agenda Report Form

---

### Open Session Item

**SUBJECT:** FY22 Budget Adjustments to the Washington County Board of Education's General Fund Budget

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Mr. Jeffrey Proulx, Chief Operating Officer, WCPS  
Mr. David Brandenburg, Executive Director of Finance, WCPS

**RECOMMENDED MOTION:** Move to approve the requested adjustments to the Board of Education's FY2022 General Fund Budget.

**REPORT-IN-BRIEF:** The Annotated Code of Maryland requires local school systems to periodically re-forecast their financial needs and make necessary changes to their budgets. To that end, the Washington County Board of Education approved the attached list of changes to its FY2022 General Fund Budget at its June 14, 2022, meeting.

**DISCUSSION:** The changes that the Board of Education approved on June 14, 2022, cross major categories. Therefore, these requested adjustments must also be approved by the Board of County Commissioners. The Board of Education has asked its Finance staff to review the requested budget changes with the Commissioners and answer any questions that they may have.

**FISCAL IMPACT:** None. These proposed modifications merely adjust various categories of the budget to reflect updated information on revenue and spending trends.

**CONCURRENCES:** The Board of Education's Finance Committee reviewed the proposed adjustments at their meeting on May 26, 2022, and recommended them for approval by the full Board. The Board of Education approved these changes at their June 14, 2022, meeting.

**ALTERNATIVES:** None

**ATTACHMENTS:**

- FY2022 general fund budget adjustments

**AUDIO/VISUAL NEEDS:** None



**Washington County Public Schools  
Requested FY2022 Budget Adjustments**

Category	Value	The primary reason for variance is:
Administration	\$331,840	Higher indirect cost recovery from federal grants
Instructional Salaries	994,220	Savings from vacancies and instructional substitutes
Student Health Services	236,565	Vacancies and some nursing services charged to federal and state grants
Student Transportation	96,456	Vacancies of drivers and assistants
Operation of Plant	357,951	Savings from vacancies as well as redeployment of technology expenditures
Fixed Charges	113,995	Savings in health insurance and other fringe benefits due to vacancies
Total Expense Reductions/Additional Revenue	<b><u>\$2,131,027</u></b>	
Revenue	\$30,000	Reduced nonpublic revenue
Mid-Level Administration	\$201,845	Higher internet communications costs
Instructional Textbooks and Supplies	28,858	Additional student technology devices
Other Instructional Costs	265,000	Contracted psychologists and higher equipment purchases
Special Education	552,240	Higher nonpublic placement costs second half of the year, higher additional pay and substitute costs
Student Personnel Services	4,580	Adjust wages to actual
Capital Outlay	1,048,504	Several new projects at Western Heights MS, Funkstown VS, and South Hagerstown HS
Total Expense Increases/Reduced Revenue	<b><u>\$2,131,027</u></b>	
<b>Net Effect on Fund Balance</b>	<b>\$0</b>	



## Agenda Report Form

---

### Open Session Item

**SUBJECT:** PUBLIC HEARING - Application for Zoning Map Amendment RZ-21-005

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Travis Allen, Comprehensive Planner, Department of Planning and Zoning

**RECOMMENDED MOTION:** The purpose of this public hearing is to take public comment on the rezoning application. The Commissioners have the option to reach a consensus to either approve or deny the request after the public hearing closes or deliberate on the issue at a later date.

**REPORT-IN-BRIEF:** Application is being made to establish a new Mixed Use Commercial (MXC) floating zone over top of the existing Highway Interchange (HI) base zoning through a rezoning map amendment.

**DISCUSSION:** The applicant Sharpsburg Pike Holdings, LLC seeks a map amendment to establish a new Mixed Use zoning district at 10319 Sharpsburg Pike, in between Col. Henry K. Douglas Drive and Poffenberger Road, approximately 1/3 mile south of the Interstate 70 interchange. Mixed Use districts permit more flexibility in site design than is possible under conventional zoning.

Article 16.1 of the Washington County Zoning Ordinance specifies the factors which must be met to establish a new MXC Zoning District. Criteria include permitted uses and densities, adequate public facilities requirements and site design considerations, among other items. The purpose of the MXC Zoning District sought is to permit a mixture of residential uses and limited commercial development to provide goods and services necessary to the neighborhood, in addition to open space, all according to a preapproved master plan.

On November 30, 2021, the Board of County Commissioners held a public hearing for the proposed map amendment. At that time, the applicant submitted additional information concerning their plans to address school capacity by proposing age-restricted residential units. Because this information was not available to the Planning Commission at its original August 30<sup>th</sup> public information meeting, the Board remanded this application back to the Planning Commission for additional review and comment.

The Planning Commission held a second public information meeting on February 7, 2022 for the purpose of reviewing the applicant's additional information and taking public comment. The Planning Commission again voted unanimously to recommend denial

All written and oral public comments received prior to or during the public information meetings have thus far been in opposition to the proposed map amendment.

**FISCAL IMPACT:** N/A

**CONCURRENCES:** Washington County Planning Commission

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Application, staff report, Planning Commission recommendation, approved Planning Commission minutes and written public comments

**AUDIO/VISUAL NEEDS:** none



FOR PLANNING COMMISSION USE ONLY

Rezoning No. RZ-21-005

Date Filed: 5-5-21

WASHINGTON COUNTY PLANNING COMMISSION  
ZONING ORDINANCE MAP AMENDMENT APPLICATION

Sharpsburg Pike Holdings, LLC

Applicant

1741 Dual Hwy, Hagerstown, MD

Address

Zachary J. Kieffer, Esq.

Primary Contact

19405 Emerald Sq, St 2100 Ofc 202

Address

☒ Property Owner

☐ Contract Purchaser

☐ Attorney

☐ Consultant

☐ Other:

240-513-4332

Phone Number

zach@zkiefferlaw.com

E-mail Address

10319 Sharpsburg Pike, Hagerstown, 21740

Property Location:

0057

0010

0160

9.92 ac

Tax Map:

Grid:

Parcel No.:

Acreage:

HI-Highway Interchange

MXC Overlay

Current Zoning:

Requested Zoning:

Reason for the Request:

☐ Change in the character of the neighborhood

☐ Mistake in original zoning

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

~~Elizabeth Trotter~~

NOTARY PUBLIC

Washington County

MARYLAND

MY COMMISSION EXPIRES AUG. 01, 2023

*[Signature]*

Applicant's Signature

Subscribed and sworn before me this 9 day of March, 2021.

My commission expires on Aug 1, 2023

*[Signature]*

Notary Public

FOR PLANNING COMMISSION USE ONLY

☐ Application Form

☐ Fee Worksheet

☐ Application Fee

☐ Ownership Verification

☐ Boundary Plat (Including Metes  
& Bounds)

☐ Names and Addresses of all Adjoining  
& Confronting Property Owners

☐ Vicinity Map

☐ Justification Statement

☐ 30 copies of complete Application  
Package

4436 0127

CLERK OF THE CIRCUIT COURT  
WASHINGTON COUNTY

**DEED IN CONTRIBUTION**

PREPARED  
WITHOUT  
TITLE  
EXAMINATION

THIS DEED, Made this 13 day of December, 2012, by Mansoor Emral Shaool and Janet Emral Shaool, (hereinafter collectively, the "Grantors") and Sharpsburg Pike Holding, LLC, a Maryland limited liability company (hereinafter "Grantee").

WHEREAS, Grantors presently are owners as tenants by the entireties of the property hereinafter described (the "Property"), said Property having been acquired by that deed hereinafter noted; and

WHEREAS, Grantors are engaged in a real estate enterprise, as that term is defined in Section 12-108(bb)(1) of the *Tax-Property Article*, Annotated Code of Maryland, with respect to the Property; and

WHEREAS, (1) the within transfer is for no consideration other than the issuance of membership interests in Grantee; (2) Grantors are the only members of Grantee; (3) each Grantor's allocation of profits and losses of the Grantee is identical to the profits and losses of the conveying real estate enterprise; and (4) the within transfer constitutes a discontinuation of the real estate enterprise with respect to the Property; and (5) all real property owned by Grantors in the conveying real estate enterprise is being conveyed to a single limited liability company; and

WHEREAS, the within transfer is exempt from recordation tax pursuant to Section 12-108(bb), *Tax-Property Article*, Annotated Code of Maryland, exempt from state transfer tax pursuant to Section 13-207(a)(18) *Tax-Property Article*, Annotated Code of Maryland, and exempt from county transfer tax pursuant to Section 2-702(e)(1)(i) Code of the Public Local Laws of Washington County, Maryland.

NOW THEREFORE WITNESSETH: That in consideration of the foregoing recitals, but for no monetary consideration, the said **MANSOOR EMRAL SHAOOL** and **JANET EMRAL SHAOOL** hereby grant and convey unto **SHARPSBURG PIKE HOLDING, LLC**, a Maryland limited liability company, in fee simple, all the following described real estate, together with the improvements, if any, easements, rights of way, benefits and appurtenances, thereunto belonging or appertaining, situate, lying and being in Washington County, Maryland, and being more particularly described as follows:

All that tract or parcel of land, situate, lying and being in Election District No. 10, Washington County, Maryland comprising 16.66 acres, more or less, as more particularly described in a metes and bounds description dated March 28, 2008 and prepared by Frederick, Seibert & Associates, Inc., attached hereto and incorporated herein as "Exhibit A", and as depicted on a survey entitled "Property Line Survey for Lands of Mansoor and Janet Emral Shaool" bearing Job Number 5563 and prepared by Frederick, Seibert & Associates, Inc., attached hereto and incorporated herein as "Exhibit B".

The above-described Property being the same property which was conveyed unto Mansoor Emral Shaool and Janet Emral Shaool, husband and wife, by that deed dated April 15,

KURTYKA & ASSOCIATES  
ATTORNEY AT LAW

33 W. FRANKLIN STREET  
SUITE 202  
HAGERSTOWN, MD 21740  
(301) 714-0889

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4436, p. 0128, MSA\_CE18\_4361. Date available 01/04/2013. Printed 04/29/2021.

4436 0128

CLERK OF THE CIRCUIT COURT  
WASHINGTON COUNTY

PREPARED  
WITHOUT  
TITLE  
EXAMINATION

2008, and recorded in Liber 3484, folio 505 among the Land Records of Washington County, Maryland.

The Property is conveyed together with and subject to all applicable covenants, conditions, restrictions, limitations, rights-of-way, streets, alleys, reservations and easements of record.

And the said Grantors do hereby covenant that they will warrant specially the Property hereby conveyed, except as to the aforesaid covenants, conditions, restrictions, limitations, rights-of-way, streets, alleys, reservations and easements of record, and do hereby further covenant that they will execute such other and further assurances of the land as may be requisite.

WITNESS the hands and seals of the Grantors herein the day and year first above written.

Breanne Chang (SEAL)  
Witness Mansoor Emral Shaool

Breanne Chang (SEAL)  
Witness Janet Emral Shaool

STATE OF Maryland, COUNTY OF Washington, to-wit:

I HEREBY CERTIFY, That on this 13 day of December, 2012, before me, the undersigned officer, personally appeared Mansoor Emral Shaool, known to me (or satisfactorily proven) to be the person whose name is subscribed to with the instrument, and acknowledged that he executed the foregoing deed for the purposes therein contained, and that the consideration recited therein is true and correct.

WITNESS my hand and official Notarial Seal.

MY COMMISSION EXPIRES:



KURTZYKA & ASSOCIATES  
ATTORNEY AT LAW

33 W. FRANKLIN STREET  
SUITE 202  
HAGERSTOWN, MD 21740  
(301) 714-0889

4436 0129

CLERK OF THE CIRCUIT COURT  
WASHINGTON COUNTY

PREPARED  
WITHOUT  
TITLE  
EXAMINATION

STATE OF Maryland, COUNTY OF Washington, to-wit:

I HEREBY CERTIFY, That on this 13 day of December, 2012, before me, the undersigned officer, personally appeared Janet Emral Shaool, known to me (or satisfactorily proven) to be the person whose name is subscribed to with the instrument, and acknowledged that she executed the foregoing deed for the purposes therein contained, and that the consideration recited therein is true and correct.

WITNESS my hand and official Notarial Seal.

MY COMMISSION EXPIRES:

KIEU T LE  
Notary Public-Maryland  
Washington County  
My Commission Expires  
July 24, 2016

Notary Public

I hereby certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Brian M. Kurtyka

IMP FD SURE 4	40.00
RECORDING FEE	20.00
TOTAL	60.00
Reg # HA01	Recpt # 638
DJW HAN	Blk # 1469
Dec 20, 2012	02:33 PM

After recording, mail to:  
Kurtyka & Associates, LLC  
33 W. Franklin Street, Suite 202  
Hagerstown, MD 21740

KURTYKA & ASSOCIATES  
ATTORNEY AT LAW

33 W. FRANKLIN STREET  
SUITE 202  
HAGERSTOWN, MD 21740  
(301) 714-0889

TODD L. WERSHEY, TREASURER  
TAXES PAID 1228.12

4436 0130

CLERK OF THE CIRCUIT COURT  
WASHINGTON COUNTY

**AFFIDAVIT AS TO TOTAL PAYMENT  
INCLUDING ALLOCATION FOR COLLECTION AS TO NON-RESIDENT(S)**

PREPARED  
WITHOUT  
TITLE  
EXAMINATION

The undersigned hereby certifies under the penalties of perjury, that the following is true to the best of my/our knowledge, information and belief, in accordance with Section 10-912(b)(2) of the Tax-General Article of the Annotated Code of Maryland, (the "Withholding Law"):

1. That we are the transferors of that real property described in the accompanying deed.
2. The amount of total payment for the purpose of the Withholding Law is \$0.00.
3. The transferors are not residents of Maryland and are subject to collection of withholding on such transferors' allocated shares of the total payment.
4. There are two (2) transferors, and the total payment divided by two (2) is \$0.00 allocated for each transferor.
5. The portion of the total payment subject to collection is two (2) times \$0.00, which equals \$0.00, as the amount of total payment to which collection of withholding applies.

DATED this 13<sup>th</sup> day of December, 2012.

WITNESS:

Breanne Chany

Breanne Chany

TRANSFERORS:

Mansoor Emral Shaoor

Janet Emral Shaoor  
Janet Emral Shaoor

STATE OF Maryland, COUNTY OF Washington, to-wit:

I HEREBY CERTIFY, That on this 13 day of December, 20 12, before me, the subscriber, personally appeared Mansoor Emral Shaoor, known to me (or satisfactorily proven) to be the person whose name is subscribed to within the instrument, and acknowledged that he executed the foregoing affidavit for the purposes therein contained.

WITNESS my hand and Official Notarial Seal.

My Commission Expires:

KIEU T LE  
Notary Public-Maryland  
Washington County  
My Commission Expires  
July 24, 2016

[Signature]  
Notary Public

KURYKA & ASSOCIATES  
ATTORNEY AT LAW

33 W. FRANKLIN STREET  
SUITE 202  
HAGERSTOWN, MD 21740  
(301) 714-0889

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4436, p. 0130, MSA\_CE18\_4361. Date available 01/04/2013. Printed 04/29/2021.



WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4436, p. 0131, MSA\_CE18\_4361. Date available 01/04/2013. Printed 04/29/2021.

4436 0131

CLERK OF THE CIRCUIT COURT  
WASHINGTON COUNTY

PREPARED  
WITHOUT  
TITLE  
EXAMINATION

STATE OF Maryland, COUNTY OF Washington, to-wit:

I HEREBY CERTIFY, That on this 12 day of December, 20  ,  
before me, the subscriber, personally appeared Janet Emral Shaoal, known to me (or  
satisfactorily proven) to be the person whose name is subscribed to within the instrument, and  
acknowledged that she executed the foregoing affidavit for the purposes therein contained.

WITNESS my hand and Official Notarial Seal.

My Commission Expires:

Notary Public **KIEU T LE**  
Notary Public-Maryland  
Washington County  
My Commission Expires  
July 24, 2016

*[Handwritten signature and circular notary seal]*

KURTYKA & ASSOCIATES  
ATTORNEY AT LAW

33 W. FRANKLIN STREET  
SUITE 202  
HAGERSTOWN, MD 21740  
(301) 714-0889



**EXHIBIT A**

**CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS**

March 28, 2008

Description of lands being conveyed by Mansoor Emral Shaoal and Janet Emral Shaoal to Mansoor Emral Shaoal and Janet Emral Shaoal

Situate along the east side of the Sharpsburg Pike (also known as Maryland Route 65) and lying approximately 0.5 miles southward from its intersection with Interstate 70 in Election District No. 10, Washington County, Maryland and being more particularly described in accordance with a survey dated February 2008 by Frederick, Seibert and Associates, Inc. as follows:

Beginning at an iron pin and cap found at the most southwestern corner of the herein described property, said iron pin and cap also being along the eastern right-of-way line of Maryland Route 65 and also being located, N 77°39'24" W 266.65 feet from the end of the eighth (or N 8°05' E 72.0 feet) line of the lands conveyed by SPM Associates and Amnuy Srirungrojana et. al., to Mansoor Emral Shaoal and Janet Emral Shaoal, his wife by deed dated July 29, 1998 and recorded at Liber 1429, folio 332 among the Land Records of Washington County, Maryland, thence running in a clockwise direction and along the eastern right-of-way line of Maryland Route 65, N 8°40'35" E 329.10 feet to an iron pin and cap found, thence leaving said right-of-way and running along the southern boundary of lands now or formerly of Donna Bage (Liber 966, folio 1022) S 81°31'59" E 221.40 feet to an iron pipe, thence along the same and also along the lands of others N 16°31'38" E 320.16 feet to a recovered iron pin, thence running along the lands now or formerly of Troy Cunningham (Liber 1011, folio 975), N 81°31'59" W 265.94 feet to a recovered iron pin and cap along the eastern right-of-way line of Maryland Route 65, thence continuing with said eastern right-of-way line of Maryland Route 65, N 7°40'35" E 476.03 feet to an iron pin, thence leaving the eastern right-of-way line of Maryland Route 65 and running along the lands now or formerly of Bowman 2000 LLC (Liber 1799, folio 739 and Liber 1771, folio 30), S 83°30'45" E 427.26 feet to an iron pin, thence along the lands now or formerly of Bowman 2000 LLC (Liber 1799, folio 734 and Liber 1620, folio 280), S 15°20'07" W 63.58 feet to an iron pin, thence continuing along the same S 72°18'31" E 357.85 feet to an iron pin found, thence running along a portion of the western boundary of the Cross Creek Subdivision, S 16°28'13" W 1140.55 feet to a corner fence post, thence along the northern boundary of lands now or formerly of Interstate 70 Partners LLC (Liber 2089, folio 642), N 77°39'24" W 343.82 feet to an iron pin and cap found, thence along lands now or formerly of the Hoffman Family Homestead LLC

4436 0133

CLERK OF THE CIRCUIT COURT  
WASHINGTON COUNTY

(Liber 3276, folio 544, N 8°40'35' E 71.82 feet to a point, thence continuing along lands of same N 77°39'24' W 266.65 feet to the place of beginning;

Containing 16.66 acres of land more or less;

Said lands being conveyed subject to and together with any and all conditions, restrictions, easements or rights-of-way of record and applicable thereto.

Said lands being all the lands combined for the purposes of creating one new individual tax parcel and being those lands conveyed to Mansoor Emral Shaool and Janet Emral Shaool by nine different parcels namely being from Amnuey Srirungrojana, et. al. and SPM Associates by deed dated July 29, 1998 and recorded in Liber 1429, folio 332; and from Bessie M. Burns by deed dated July 14, 1998 and recorded in Liber 1425, folio 853; and from Leonard D. Emmert and Gracia R. Emmert by deed dated November 2, 1999 and recorded in Liber 1535, folio 289; and from Bruce M. Cabbage by deed dated June 29, 2000 and recorded in Liber 1583, folio 399; and from Carroll E. Brackett and Naomi R. Brackett by deed dated June 29, 2000 and recorded in Liber 1583, folio 396; and from Thomas R. Schleigh and Vicki Lee Schleigh by deed dated December 3, 2003 and recorded in Liber 2204, folio 202; and from Marjorie M. Seiler by deed dated March 25, 2004 and recorded in Liber 2290, folio 537; and from Michael R. Weller by deed dated April 23, 2004 and recorded in Liber 2312, folio 159; and from Edward P. Hultsch and Susan M. Hultsch by deed dated November 13, 2003 and recorded in Liber 2187, folio 71 all among the Land Records of Washington County, Maryland.

FMF/vab.shaool desc

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4436, p. 0134, MSA\_CE18\_4361. Date available 01/04/2013. Printed 04/29/2021.

**EXHIBIT B**

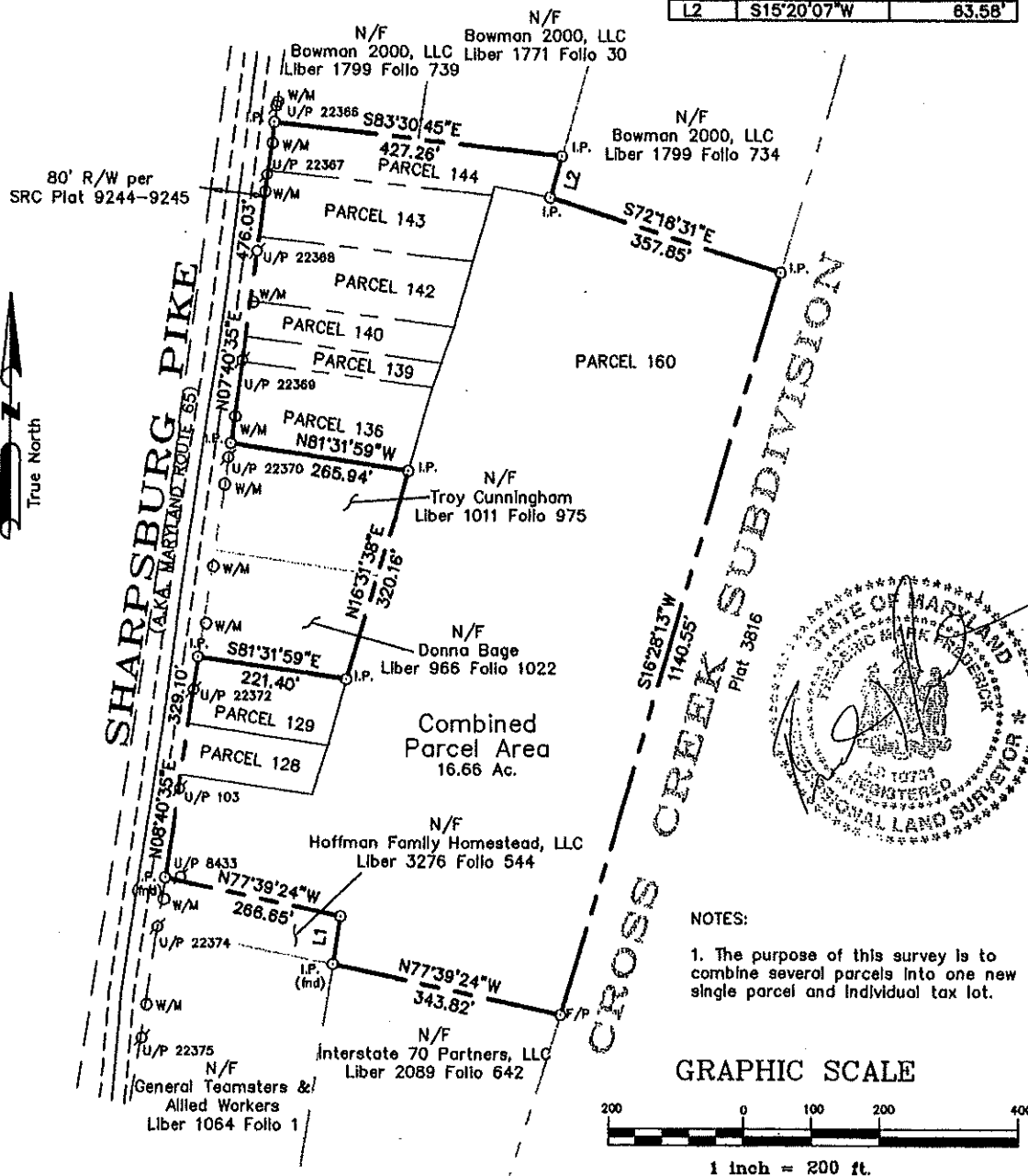
Property Line Survey  
for  
*Lands of Mansoor and  
Janet Emral Shaool*

Situate along the East side of  
Sharpsburg Pike  
WASHINGTON COUNTY, MARYLAND

4436 0134

CLERK OF THE CIRCUIT COURT  
WASHINGTON COUNTY

LINE	BEARING	DISTANCE
L1	N08°40'35"E	71.82'
L2	S15°20'07"W	83.58'



TAX MAP 67	DISTRICT 10
DRAWING NUMBER 1	OF 1
DRAWN BY: DWH	DATE: 4-2-08
CHECKED BY:	DATE: 4-3-08
SCALE: 1" = 200'	

**FREDERICK  
SEIBERT &  
ASSOCIATES, INC.** ©2008

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS  
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740  
10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225  
(301) 791-3650 (301) 416-7478 (717) 887-1007 FAX (301) 738-4858

JOB NUMBER  
5563

4436 0135

CLERK OF THE CIRCUIT COURT

## State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Washington

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

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

1	Type(s) of Instruments	<input type="checkbox"/> Check Box if addendum Intake Form is Attached.																																																																																																																																																																																																																																																							
	<input checked="" type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other																																																																																																																																																																																																																																																						
	<input type="checkbox"/> Deed or Trust	<input type="checkbox"/> Lease	<input type="checkbox"/> Other																																																																																																																																																																																																																																																						
2	Conveyance Type Check Box	<input type="checkbox"/> Improved Sale	<input type="checkbox"/> Unimproved Sale																																																																																																																																																																																																																																																						
	<input type="checkbox"/> Arms-Length [1]	<input type="checkbox"/> Arms-Length [2]	<input type="checkbox"/> Multiple Accounts																																																																																																																																																																																																																																																						
			<input type="checkbox"/> Not an Arms-Length Sale [9]																																																																																																																																																																																																																																																						
3	Tax Exemptions (if Applicable)	Recordation																																																																																																																																																																																																																																																							
	Cite or Explain Authority	State Transfer																																																																																																																																																																																																																																																							
		County Transfer																																																																																																																																																																																																																																																							
4	Consideration and Tax Calculations	<table border="1"> <thead> <tr> <th colspan="2">Consideration Amount</th> <th colspan="2">Finance Office Use Only</th> </tr> <tr> <th colspan="2"></th> <th colspan="2">Transfer and Recordation Tax Consideration</th> </tr> </thead> <tbody> <tr> <td>Purchase Price/Consideration</td> <td>\$ -0-</td> <td>Transfer Tax Consideration</td> <td>\$</td> </tr> <tr> <td>Any New Mortgage</td> <td>\$</td> <td>X ( ) % =</td> <td>\$</td> </tr> <tr> <td>Balance of Existing Mortgage</td> <td>\$</td> <td>Less Exemption Amount -</td> <td>\$</td> </tr> <tr> <td>Other:</td> <td>\$</td> <td>Total Transfer Tax =</td> <td>\$</td> </tr> <tr> <td>Other:</td> <td>\$</td> <td>Recordation Tax Consideration</td> <td>\$</td> </tr> <tr> <td>Full Cash Value:</td> <td>\$</td> <td>X ( ) per \$500 =</td> <td>\$</td> </tr> <tr> <td></td> <td></td> <td>TOTAL DUE</td> <td>\$</td> </tr> </tbody> </table>		Consideration Amount		Finance Office Use Only				Transfer and Recordation Tax Consideration		Purchase Price/Consideration	\$ -0-	Transfer Tax Consideration	\$	Any New Mortgage	\$	X ( ) % =	\$	Balance of Existing Mortgage	\$	Less Exemption Amount -	\$	Other:	\$	Total Transfer Tax =	\$	Other:	\$	Recordation Tax Consideration	\$	Full Cash Value:	\$	X ( ) per \$500 =	\$			TOTAL DUE	\$																																																																																																																																																																																																																		
Consideration Amount		Finance Office Use Only																																																																																																																																																																																																																																																							
		Transfer and Recordation Tax Consideration																																																																																																																																																																																																																																																							
Purchase Price/Consideration	\$ -0-	Transfer Tax Consideration	\$																																																																																																																																																																																																																																																						
Any New Mortgage	\$	X ( ) % =	\$																																																																																																																																																																																																																																																						
Balance of Existing Mortgage	\$	Less Exemption Amount -	\$																																																																																																																																																																																																																																																						
Other:	\$	Total Transfer Tax =	\$																																																																																																																																																																																																																																																						
Other:	\$	Recordation Tax Consideration	\$																																																																																																																																																																																																																																																						
Full Cash Value:	\$	X ( ) per \$500 =	\$																																																																																																																																																																																																																																																						
		TOTAL DUE	\$																																																																																																																																																																																																																																																						
5	Fees	<table border="1"> <thead> <tr> <th>Amount of Fees</th> <th>Doc. 1</th> <th>Doc. 2</th> <th>Agent:</th> </tr> </thead> <tbody> <tr> <td>Recording Charge</td> <td>\$</td> <td>\$</td> <td></td> </tr> <tr> <td>Surcharge</td> <td>\$</td> <td>\$</td> <td>Tax Bill:</td> </tr> <tr> <td>State Recordation Tax</td> <td>\$</td> <td>\$</td> <td></td> </tr> <tr> <td>State Transfer Tax</td> <td>\$</td> <td>\$</td> <td>C.B. Credit:</td> </tr> <tr> <td>County Transfer Tax</td> <td>\$</td> <td>\$</td> <td></td> </tr> <tr> <td>Other</td> <td>\$</td> <td>\$</td> <td>Ag. Tax/Other:</td> </tr> <tr> <td>Other</td> <td>\$</td> <td>\$</td> <td></td> </tr> </tbody> </table>		Amount of Fees	Doc. 1	Doc. 2	Agent:	Recording Charge	\$	\$		Surcharge	\$	\$	Tax Bill:	State Recordation Tax	\$	\$		State Transfer Tax	\$	\$	C.B. Credit:	County Transfer Tax	\$	\$		Other	\$	\$	Ag. Tax/Other:	Other	\$	\$																																																																																																																																																																																																																							
Amount of Fees	Doc. 1	Doc. 2	Agent:																																																																																																																																																																																																																																																						
Recording Charge	\$	\$																																																																																																																																																																																																																																																							
Surcharge	\$	\$	Tax Bill:																																																																																																																																																																																																																																																						
State Recordation Tax	\$	\$																																																																																																																																																																																																																																																							
State Transfer Tax	\$	\$	C.B. Credit:																																																																																																																																																																																																																																																						
County Transfer Tax	\$	\$																																																																																																																																																																																																																																																							
Other	\$	\$	Ag. Tax/Other:																																																																																																																																																																																																																																																						
Other	\$	\$																																																																																																																																																																																																																																																							
6	Description of Property	<table border="1"> <thead> <tr> <th>District</th> <th>Property Tax ID No. (1)</th> <th>Grantor Liber/Folio</th> <th>Map</th> <th>Parcel No.</th> <th>Var. LOG</th> </tr> </thead> <tbody> <tr> <td>10</td> <td>020174</td> <td>3484/505</td> <td>57</td> <td>160</td> <td><input type="checkbox"/> (5)</td> </tr> <tr> <td colspan="2">Subdivision Name</td> <td>Lot (3a)</td> <td>Block (3b)</td> <td>Sect/AR (3c)</td> <td>Plat Ref.</td> </tr> <tr> <td colspan="2">Location/Address of Property Being Conveyed (2)</td> <td colspan="4">10319 Sharpsburg Pike, Hagerstown MD 21740</td> </tr> <tr> <td colspan="2">Other Property Identifiers (if applicable)</td> <td colspan="4">Water Meter Account No.</td> </tr> <tr> <td colspan="2">Residential <input checked="" type="checkbox"/> or Non-Residential <input checked="" type="checkbox"/></td> <td colspan="2">Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/></td> <td colspan="2">Amount:</td> </tr> <tr> <td colspan="2">Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> <td colspan="4">Description/Amt. of SqFt/Acreage Transferred:</td> </tr> <tr> <td colspan="6">If Partial Conveyance, List Improvements Conveyed:</td> </tr> <tr> <td colspan="2">Doc. 1 - Grantor(s) Name(s)</td> <td colspan="4">Doc. 2 - Grantor(s) Name(s)</td> </tr> <tr> <td colspan="2">Mansoor Emral Shaoor</td> <td colspan="4"></td> </tr> <tr> <td colspan="2">Janet Emral Shaoor</td> <td colspan="4"></td> </tr> <tr> <td colspan="2">Doc. 1 - Owner(s) of Record, if Different from Grantor(s)</td> <td colspan="4">Doc. 2 - Owner(s) of Record, if Different from Grantor(s)</td> </tr> <tr> <td colspan="2"></td> <td colspan="4"></td> </tr> <tr> <td colspan="2">Doc. 1 - Grantee(s) Name(s)</td> <td colspan="4">Doc. 2 - Grantee(s) Name(s)</td> </tr> <tr> <td colspan="2">Sharpsburg Pike Holding, LLC</td> <td colspan="4"></td> </tr> <tr> <td colspan="6">New Owner's (Grantee) Mailing Address</td> </tr> <tr> <td colspan="6">72 W. Washington St., Hagerstown, MD 21740</td> </tr> <tr> <td colspan="2">Doc. 1 - Additional Names to be Indexed (Optional)</td> <td colspan="4">Doc. 2 - Additional Names to be Indexed (Optional)</td> </tr> <tr> <td colspan="2"></td> <td colspan="4"></td> </tr> <tr> <td>7</td> <td>Transferred From</td> <td colspan="4"></td> </tr> <tr> <td>8</td> <td>Transferred To</td> <td colspan="4"></td> </tr> <tr> <td>9</td> <td>Other Names to Be Indexed</td> <td colspan="4"></td> </tr> <tr> <td>10</td> <td>Contact/Mail Information</td> <td colspan="4"> <table border="1"> <thead> <tr> <th colspan="2">Instrument Submitted By or Contact Person</th> <th colspan="2"><input type="checkbox"/> Return to Contact Person</th> </tr> </thead> <tbody> <tr> <td>Name:</td> <td></td> <td colspan="2"><input type="checkbox"/> Hold for Pickup</td> </tr> <tr> <td>Firm:</td> <td>Kurtkaet Associates, LLC</td> <td colspan="2"><input checked="" type="checkbox"/> Return Address Provided</td> </tr> <tr> <td>Address:</td> <td>33 W. Franklin St., Suite 202</td> <td colspan="2"></td> </tr> <tr> <td></td> <td>Hagerstown, MD 21740</td> <td colspan="2"></td> </tr> <tr> <td></td> <td>Phone: (301) 714-0889</td> <td colspan="2"></td> </tr> </tbody> </table> </td> </tr> <tr> <td>11</td> <td>IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER</td> <td colspan="4"></td> </tr> <tr> <td></td> <td>Assessment Information</td> <td colspan="4"> <table border="1"> <tbody> <tr> <td><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> <td>Will the property being conveyed be the grantee's principal residence?</td> </tr> <tr> <td><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> <td>Does transfer include personal property? If yes, identify:</td> </tr> <tr> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> <td>Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="6">Assessment Use Only - Do Not Write Below This Line</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Terminal Verification</td> <td colspan="2"><input type="checkbox"/> Agricultural Verification</td> <td colspan="2"><input type="checkbox"/> Whole <input type="checkbox"/> Part <input type="checkbox"/> Tran. Process Verification</td> </tr> <tr> <td colspan="2">Transfer Number:</td> <td colspan="2">Date Received:</td> <td colspan="2">Deed Reference:</td> </tr> <tr> <td>Year</td> <td>20</td> <td>20</td> <td>Geo.</td> <td>Map</td> <td>Sub</td> </tr> <tr> <td>Land</td> <td></td> <td></td> <td>Zoning</td> <td>Grid</td> <td>Plat</td> </tr> <tr> <td>Buildings</td> <td></td> <td></td> <td>Use</td> <td>Parcel</td> <td>Section</td> </tr> <tr> <td>Total</td> <td></td> <td></td> <td>Town Cd.</td> <td>Ex. St.</td> <td>Ex. Cd.</td> </tr> <tr> <td colspan="6">REMARKS:</td> </tr> <tr> <td colspan="6"></td> </tr> <tr> <td colspan="6"></td> </tr> <tr> <td colspan="6"></td> </tr> </tbody></table>		District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	10	020174	3484/505	57	160	<input type="checkbox"/> (5)	Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	Location/Address of Property Being Conveyed (2)		10319 Sharpsburg Pike, Hagerstown MD 21740				Other Property Identifiers (if applicable)		Water Meter Account No.				Residential <input checked="" type="checkbox"/> or Non-Residential <input checked="" type="checkbox"/>		Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/>		Amount:		Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Description/Amt. of SqFt/Acreage Transferred:				If Partial Conveyance, List Improvements Conveyed:						Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)				Mansoor Emral Shaoor						Janet Emral Shaoor						Doc. 1 - Owner(s) of Record, if Different from Grantor(s)		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)										Doc. 1 - Grantee(s) Name(s)		Doc. 2 - Grantee(s) Name(s)				Sharpsburg Pike Holding, LLC						New Owner's (Grantee) Mailing Address						72 W. Washington St., Hagerstown, MD 21740						Doc. 1 - Additional Names to be Indexed (Optional)		Doc. 2 - Additional Names to be Indexed (Optional)										7	Transferred From					8	Transferred To					9	Other Names to Be Indexed					10	Contact/Mail Information	<table border="1"> <thead> <tr> <th colspan="2">Instrument Submitted By or Contact Person</th> <th colspan="2"><input type="checkbox"/> Return to Contact Person</th> </tr> </thead> <tbody> <tr> <td>Name:</td> <td></td> <td colspan="2"><input type="checkbox"/> Hold for Pickup</td> </tr> <tr> <td>Firm:</td> <td>Kurtkaet Associates, LLC</td> <td colspan="2"><input checked="" type="checkbox"/> Return Address Provided</td> </tr> <tr> <td>Address:</td> <td>33 W. Franklin St., Suite 202</td> <td colspan="2"></td> </tr> <tr> <td></td> <td>Hagerstown, MD 21740</td> <td colspan="2"></td> </tr> <tr> <td></td> <td>Phone: (301) 714-0889</td> <td colspan="2"></td> </tr> </tbody> </table>				Instrument Submitted By or Contact Person		<input type="checkbox"/> Return to Contact Person		Name:		<input type="checkbox"/> Hold for Pickup		Firm:	Kurtkaet Associates, LLC	<input checked="" type="checkbox"/> Return Address Provided		Address:	33 W. Franklin St., Suite 202				Hagerstown, MD 21740				Phone: (301) 714-0889			11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER						Assessment Information	<table border="1"> <tbody> <tr> <td><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> <td>Will the property being conveyed be the grantee's principal residence?</td> </tr> <tr> <td><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> <td>Does transfer include personal property? If yes, identify:</td> </tr> <tr> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> <td>Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).</td> </tr> </tbody> </table>				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Will the property being conveyed be the grantee's principal residence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does transfer include personal property? If yes, identify:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).	Assessment Use Only - Do Not Write Below This Line						<input type="checkbox"/> Terminal Verification		<input type="checkbox"/> Agricultural Verification		<input type="checkbox"/> Whole <input type="checkbox"/> Part <input type="checkbox"/> Tran. Process Verification		Transfer Number:		Date Received:		Deed Reference:		Year	20	20	Geo.	Map	Sub	Land			Zoning	Grid	Plat	Buildings			Use	Parcel	Section	Total			Town Cd.	Ex. St.	Ex. Cd.	REMARKS:																							
District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG																																																																																																																																																																																																																																																				
10	020174	3484/505	57	160	<input type="checkbox"/> (5)																																																																																																																																																																																																																																																				
Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.																																																																																																																																																																																																																																																				
Location/Address of Property Being Conveyed (2)		10319 Sharpsburg Pike, Hagerstown MD 21740																																																																																																																																																																																																																																																							
Other Property Identifiers (if applicable)		Water Meter Account No.																																																																																																																																																																																																																																																							
Residential <input checked="" type="checkbox"/> or Non-Residential <input checked="" type="checkbox"/>		Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/>		Amount:																																																																																																																																																																																																																																																					
Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Description/Amt. of SqFt/Acreage Transferred:																																																																																																																																																																																																																																																							
If Partial Conveyance, List Improvements Conveyed:																																																																																																																																																																																																																																																									
Doc. 1 - Grantor(s) Name(s)		Doc. 2 - Grantor(s) Name(s)																																																																																																																																																																																																																																																							
Mansoor Emral Shaoor																																																																																																																																																																																																																																																									
Janet Emral Shaoor																																																																																																																																																																																																																																																									
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)		Doc. 2 - Owner(s) of Record, if Different from Grantor(s)																																																																																																																																																																																																																																																							
Doc. 1 - Grantee(s) Name(s)		Doc. 2 - Grantee(s) Name(s)																																																																																																																																																																																																																																																							
Sharpsburg Pike Holding, LLC																																																																																																																																																																																																																																																									
New Owner's (Grantee) Mailing Address																																																																																																																																																																																																																																																									
72 W. Washington St., Hagerstown, MD 21740																																																																																																																																																																																																																																																									
Doc. 1 - Additional Names to be Indexed (Optional)		Doc. 2 - Additional Names to be Indexed (Optional)																																																																																																																																																																																																																																																							
7	Transferred From																																																																																																																																																																																																																																																								
8	Transferred To																																																																																																																																																																																																																																																								
9	Other Names to Be Indexed																																																																																																																																																																																																																																																								
10	Contact/Mail Information	<table border="1"> <thead> <tr> <th colspan="2">Instrument Submitted By or Contact Person</th> <th colspan="2"><input type="checkbox"/> Return to Contact Person</th> </tr> </thead> <tbody> <tr> <td>Name:</td> <td></td> <td colspan="2"><input type="checkbox"/> Hold for Pickup</td> </tr> <tr> <td>Firm:</td> <td>Kurtkaet Associates, LLC</td> <td colspan="2"><input checked="" type="checkbox"/> Return Address Provided</td> </tr> <tr> <td>Address:</td> <td>33 W. Franklin St., Suite 202</td> <td colspan="2"></td> </tr> <tr> <td></td> <td>Hagerstown, MD 21740</td> <td colspan="2"></td> </tr> <tr> <td></td> <td>Phone: (301) 714-0889</td> <td colspan="2"></td> </tr> </tbody> </table>				Instrument Submitted By or Contact Person		<input type="checkbox"/> Return to Contact Person		Name:		<input type="checkbox"/> Hold for Pickup		Firm:	Kurtkaet Associates, LLC	<input checked="" type="checkbox"/> Return Address Provided		Address:	33 W. Franklin St., Suite 202				Hagerstown, MD 21740				Phone: (301) 714-0889																																																																																																																																																																																																																														
Instrument Submitted By or Contact Person		<input type="checkbox"/> Return to Contact Person																																																																																																																																																																																																																																																							
Name:		<input type="checkbox"/> Hold for Pickup																																																																																																																																																																																																																																																							
Firm:	Kurtkaet Associates, LLC	<input checked="" type="checkbox"/> Return Address Provided																																																																																																																																																																																																																																																							
Address:	33 W. Franklin St., Suite 202																																																																																																																																																																																																																																																								
	Hagerstown, MD 21740																																																																																																																																																																																																																																																								
	Phone: (301) 714-0889																																																																																																																																																																																																																																																								
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER																																																																																																																																																																																																																																																								
	Assessment Information	<table border="1"> <tbody> <tr> <td><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> <td>Will the property being conveyed be the grantee's principal residence?</td> </tr> <tr> <td><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> <td>Does transfer include personal property? If yes, identify:</td> </tr> <tr> <td><input type="checkbox"/> Yes <input type="checkbox"/> No</td> <td>Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).</td> </tr> </tbody> </table>				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Will the property being conveyed be the grantee's principal residence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does transfer include personal property? If yes, identify:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).																																																																																																																																																																																																																																														
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Will the property being conveyed be the grantee's principal residence?																																																																																																																																																																																																																																																								
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does transfer include personal property? If yes, identify:																																																																																																																																																																																																																																																								
<input type="checkbox"/> Yes <input type="checkbox"/> No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).																																																																																																																																																																																																																																																								
Assessment Use Only - Do Not Write Below This Line																																																																																																																																																																																																																																																									
<input type="checkbox"/> Terminal Verification		<input type="checkbox"/> Agricultural Verification		<input type="checkbox"/> Whole <input type="checkbox"/> Part <input type="checkbox"/> Tran. Process Verification																																																																																																																																																																																																																																																					
Transfer Number:		Date Received:		Deed Reference:																																																																																																																																																																																																																																																					
Year	20	20	Geo.	Map	Sub																																																																																																																																																																																																																																																				
Land			Zoning	Grid	Plat																																																																																																																																																																																																																																																				
Buildings			Use	Parcel	Section																																																																																																																																																																																																																																																				
Total			Town Cd.	Ex. St.	Ex. Cd.																																																																																																																																																																																																																																																				
REMARKS:																																																																																																																																																																																																																																																									

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

①

Olde Towne Title, Inc.  
File No. OT-12788CO  
Tax ID # 10-009707

**This Deed**, made this 5th day of October, 2017, by and between Hoffman Family Homestead, LLC, GRANTOR, and Sharpsburg Pike Holding, LLC, GRANTEE.

**Witnesseth –**

**That in consideration** of the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00), 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:

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 lots or parcels of ground being more particularly described as follows:

**PARCEL NO. 1:**

All the following described lot or parcel of ground, situate on the East side of the Hagerstown-Sharpsburg Road about one and one-half (1 ½) miles South of Hagerstown, in Funkstown Election District No. 10, in Washington County, and more particularly described as follows:

Fronting 72 feet on the East side of said Hagerstown-Sharpsburg Road and extending back therefrom and along the North boundary of the property of Herbert W. McElwee and Kitty I. McElwee, his wife, in an Easterly direction with that uniform width a distance of 250 feet, said lot lying in the Southwest corner of and being a part of the same real property which was conveyed unto Robert R. Baumgardner and M. Elizabeth Baumgardner, his wife, by R. Leon Palmer and wife, by Deed dated February 4, 1933 and of record at Liber 192, Folio 634 among the Washington County Land Records, to which aforementioned Deed reference is hereby made and made a part hereof.

**PARCEL NO. 2:**

All that portion of a lot of land, being just East of the Sharpsburg Pike near Hagerstown, Washington County, Maryland, and more particularly described as follows:

Beginning at a point, being the Southeast corner of the lot of land owned by Merle Calvert Hoffman and Dorothy Mae Hoffman, his wife, said point being two hundred fifty (250) feet East of the Sharpsburg Pike and extending North seventy two (72) feet along the East boundary of the lot of land owned by Merle Calvert Hoffman and Dorothy Mae Hoffman, his wife; thence East sixty six (66) feet; thence South seventy two (72) feet; thence West sixty six (66) feet to the place of beginning; the said lot of land being bounded on the South by the property of Herbert W. McElwee, on the West by the property of Merle Calvert Hoffman and Dorothy Mae Hoffman, his wife, and on the North and East by the property of Robert R. Baumgardner and wife.

The improvements thereon being known as 10315 Sharpsburg Pike, Hagerstown, Maryland, 21740.

File #OT-12788

Tax ID #10-009707

**Being** the same property described in Liber 3276 at Folio 544.

**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 Sharpsburg Pike Holding, LLC, in fee simple.

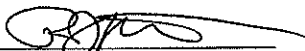
**Subject to and together with** all restrictions, covenants, conditions, easements and rights of way of record.

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

**The undersigned** certify that it 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.

HOFFMAN FAMILY HOMESTEAD, LLC

  
\_\_\_\_\_  
Witness

By:  (SEAL)  
Judith Hoffman Bolton

[Corporate Seal]


STATE OF MARYLAND } ss  
COUNTY OF WASHINGTON

I hereby certify that on this 5th day of October, 2017 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Judith Hoffman Bolton, and that as such officer, being authorized to do so, executed the foregoing Deed for the purposes therein contained, by signing the name of the limited liability company, by himself/herself as such officer and further, did certify that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all, or substantially all, of the property and assets of the limited liability company, 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.J. WITTHAUS  
Notary Public, State of Maryland  
County of Frederick  
My Commission Expires Dec 21, 2019

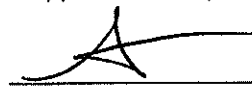
  
\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

AFTER RECORDING, PLEASE RETURN TO:  
**Sharpsburg Pike Holding, LLC**  
72 West Washington Street  
Hagerstown, MD 21740

TODD L. HERSHEY, TREASURER  
TAXES PAID 10/6/17

CR

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.

A handwritten signature in black ink, appearing to be 'Allison Fortmann', written over a horizontal line.

Allison Fortmann, Attorney



LR - Deed (w Taxes)  
 Recording Fee - ALL 20.00  
 Name: Sharpsburg Pike  
 Holding  
 Ref:  
 LR - County Transfer  
 Tax - linked 250.00  
 LR - Surcharge -  
 linked 40.00  
 LR - Recordation Tax -  
 linked 760.00  
 LR - State Transfer  
 Tax - linked 500.00  
 LR - NR Tax - 1kd 0.00  
 =====  
 SubTotal: 1,570.00  
 =====  
 Total: 1,570.00  
 10/06/2017 02:40  
 CC21-MAH  
 #919B463 CC0403 -  
 Washington  
 County/CC04.03.01 -  
 Register 01

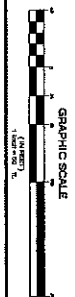
This page not to be counted in calculating Recording Fee

**Clerk of Circuit Court**  
**Washington County, Maryland**  
 Dennis J. Weaver, Clerk  
 24 Summit Avenue  
 Hagerstown, MD 21740  
 301-790-7991

**For Clerks Use Only**

Improvement Fee	40.00
Recording Fee	20.00
County Transfer Tax	250.00
Recordation Tax	760.00
State Transfer Tax	500.00
Non-Resident Tax	
<b>TOTAL</b>	<b>1570.00</b>

**Space Reserved for County Validation**



© 2006 The Authors  
Journal compilation © 2006 Blackwell Publishing Ltd

SHEET 01 OF

EXHIBIT A

**SHOPS AT SHARPSBURG PIKE  
SHARPSBURG PIKE HOLDING, LLC  
LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS**

1. Bowman 2000, LLC
  - a. Premises Address: 0 Sharpsburg Pike, Hagerstown, MD 21740
  - b. Tax Account: 10-002842
  - c. Tax Map/Parcel: 0057/0152
  - d. Mailing Address: 10228 Governor Lane Blvd., Suite 3002, Williamsport, MD 21795
2. Bowman 2000, LLC
  - a. Premises Address: 0 Sharpsburg Pike
  - b. Tax Account: 10-0012627
  - c. Tax Map/Parcel: 0057/0149
  - d. Mailing Address: 10228 Governor Lane Blvd., Suite 3002, Williamsport, MD 21795
3. Sharpsburg Pike Holding, LLC (Applicant)
  - a. Premises Address: 10319 Sharpsburg Pike
  - b. Tax Account: 10-020174
  - c. Tax Map/Parcel: 0057/0160
  - d. Mailing Address: 1741 Dual Highway, Suite B, Hagerstown, MD 21740
4. Troy L. Cunningham
  - a. Premises Address: 10409 Sharpsburg Pike
  - b. Tax Account: 10-019311
  - c. Tax Map/Parcel: 0057/0133
  - d. Mailing Address: 17317 Branden Terrace, Hagerstown, MD 21740
5. Sharpsburg Pike Real Estate, LLC
  - a. Premises Address: 10405 Sharpsburg Pike
  - b. Tax Account: 10-020638
  - c. Tax Map/Parcel: 0057/0132
  - d. Mailing Address: 117 W. Patrick Street, Suite 200, Frederick, MD 21701
6. Sharpsburg Pike Real Estate, LLC
  - a. Premises Address: 10401 Sharpsburg Pike
  - b. Tax Account: 10-019591
  - c. Tax Map/Parcel: 0057/0131
  - d. Mailing Address: 117 W. Patrick Street, Suite 200, Frederick, MD 21701
7. Sharpsburg Pike Real Estate, LLC
  - a. Premises Address: 10326 Sharpsburg Pike
  - b. Tax Account: 10-004829
  - c. Tax Map/Parcel: 0057/0271
  - d. Mailing Address: 117 W. Patrick Street, Suite 200, Frederick, MD 21701
8. Sharpsburg Pike Real Estate, LLC
  - a. Premises Address: 10322 Sharpsburg Pike
  - b. Tax Account: 10-015685
  - c. Tax Map/Parcel: 0057/0043
  - d. Mailing Address: 117 W. Patrick Street, Suite 200, Frederick, MD 21701

9. Sharpsburg Pike Real Estate, LLC
  - a. Premises Address: 10320 Sharpsburg Pike
  - b. Tax Account: 10-017726
  - c. Tax Map/Parcel: 0057/0117
  - d. Mailing Address: 117 W. Patrick Street, Suite 200, Frederick, MD 21701
10. Walmart Real Estate Business Trust
  - a. Premises Address: 10420 Walmart Drive
  - b. Tax Account: 10-065523
  - c. Tax Map/Parcel: 0057/0638
  - d. Mailing Address: Attn: Property Tax Dept. PO Box 8050, Bentonville, AR 72712
11. Washco Arnett Farm, LLC
  - a. Premises Address: 10306 Sharpsburg Pike
  - b. Tax Account: 10-010969
  - c. Tax Map/Parcel: 0057/0118
  - d. Mailing Address: 1741 Dual Highway, Suite B, Hagerstown, MD 21740
12. General Teamsters & Allied Workers Local Union No 992
  - a. Premises Address: 10312 Remington Drive
  - b. Tax Account: 10-040248
  - c. Tax Map/Parcel: 0057/0578
  - d. Mailing Address: 10312 Remington Drive, Hagerstown, MD 21740
13. Cross Creek Builders, LLC
  - a. Premises Address: 10303 Remington Drive, Hagerstown, MD 21740
  - b. Tax Account: 10-065727
  - c. Tax Map/Parcel: 0057/0639
  - d. Mailing Address: c/o Hilton C. Smith, Jr., 10306 Remington Drive, Hagerstown, MD 21740
14. Cross Creek Homeowners Association, Inc.
  - a. Premises Address: 0 Bear Creek Drive
  - b. Tax Account: 10-037964
  - c. Tax Map/Parcel: 0057/0577
  - d. Mailing Address: c/o Hilton C. Smith, Jr., 10306 Remington Drive, Hagerstown, MD 21740
15. Interstate 70 Partners, LLC
  - a. Premises Address: 0 Poffenberger Road
  - b. Tax Account: 10-033349
  - c. Tax Map/Parcel: 0057/0161
  - d. Mailing Address: 10306 Remington Drive, Hagerstown, MD 21740

## Web AppBuilder for ArcGIS





THE LAW OFFICE OF  
**ZACHARY J. KIEFFER, LLC**

April 29, 2021

***Re: Justification Statement: 10319 Sharpsburg Pike, Hagerstown, MD 21740 (the "Property"); Appeal for Map Amendment***

REQUEST

Appeal is made by Sharpsburg Pike Holding, LLC (the "**Applicant**") for a Map Amendment to the current Washington County Zoning Map, amending that certain portion of the Property with the MXC District Overlay, containing +/- 9.92 acres and more particularly identified as "**Lot 7**" on the Rezoning Concept Plan for The Shops at Sharpsburg Pike prepared by Frederick Seibert & Associates, Inc., and attached hereto and incorporated herein as "**Exhibit A**".

BACKGROUND

The Property is located at 10319 Sharpsburg Pike. The Property's zoning designation is HI (Highway Interchange). The Applicant is the Owner of the Property by virtue of a Deed from Mansoor Emral Shaoool and Janet Emral Shaoool dated December 13, 2012 and recorded among the Land Records of Washington County at Liber 4436, folio 0127 as well as a Deed from Hoffman Family Homestead, LLC, dated October 5, 2017 and recorded among the Land Records of Washington County, Maryland at Liber 5607, folio 90.

Exhibit A contemplates the subdivision of the Property to create, among other lots, Lot 7. Lot 7, with the MXC District Overlay (the "**MXC**"), will contain a mix of residential and commercial uses, as permitted by Article 16 of the Washington County Zoning Ordinance (the "**Ordinance**").

As shown on Exhibit A, the Applicant intends to construct two (2) buildings of Multi-Family Apartments. The first building ("**Building 1**") contemplates 50 units, along with +/-1,500 sf of retail space and +/- 4,500 sf designated for a restaurant. The second building ("**Building 2**") shows 55 multi-family apartment units. Also included will be six (6) townhouses (the "**Townhouses**").

General Requirements.

19405 Emerald Square, Suite 2100 Office 202, Hagerstown, MD 21742

Office: 240-513-4332

Email: [zach@zkiefferlaw.com](mailto:zach@zkiefferlaw.com)

[www.zkiefferlaw.com](http://www.zkiefferlaw.com)

Section 16.4 of the Zoning Ordinance sets forth the general requirements of the MXC District:

- (a) Ownership: This application is for the placement of the MXC over a portion of one (1) lot of record owned by the Applicant. The Applicant has duly signed this application as the owner of the parcel.
- (b) Location: The Property is located within Growth Area for the City of Hagerstown. The Zoning Ordinance permits the location of the MXC District in the Highway Interchange (HI) District. The Property is zoned HI and located adjacent to Sharpsburg Pike/MD Route 65 (“**Sharpsburg Pike**”). The Townhouses, Building 1 and Building 2 will use Colonel Henry K. Douglas Drive as the means for access, ingress and egress to the signalized intersection with Sharpsburg Pike. Moreover, the Applicant has completed or contemplates the construction of the following road improvements in connection to the development of the Property:
  - i. Road widening and re-striping on Sharpsburg Pike for the addition of a two-way left turn lane on Sharpsburg Pike at the Rench Road intersection;
  - ii. Mitigation or improvements per State Highway Administration guidelines on Sharpsburg Pike;
  - iii. Fifty-foot ROW dedication from centerline of Sharpsburg Pike.
- (c) Utilities: The Property is served by public water and sewer facilities which will be connected to serve Building 1, Building 2 and the Townhouses.
- (d) The development of Lot 7 will comply with the requirements of the Washington County Adequate Public Facilities Ordinance (the “**APFO**”).
  - i. As referenced above, the Applicant contemplates certain improvements to Sharpsburg Pike. If, during the final site plan approval process additional improvements are required to Sharpsburg Pike or other public roads serving Lot 7, said improvements will be made to ensure adequacy of Sharpsburg Pike and compliance with the APFO.
  - ii. School-aged children residing within the development on Lot 7 will attend Rockland Woods Elementary, E. Russell Hicks Middle School and South Hagerstown High School. In the course of the Concept Plan Review, County staff has indicated that the three schools are inadequate as determined by the APFO. Staff calculates that Rockland Woods Elementary, E. Russell Hicks Middle and South Hagerstown High enrollment, as a percentage of State Rated Capacity would be at 113.8%, 114.7% and 120.0%, respectively. The APFO provides options for mitigation, including the Alternate Mitigation Contribution (“**AMC**”). Section 5.8(a) allows for a developer may to make the AMC when any school affected by the new development exceeds adequate capacity, **but does not exceed** 120% of its State Rated Capacity (emphasis added). Given the Stated Rated Capacities of the three affected schools does not exceed 120% of their respective State Rated Capacity, the Applicant intends to pay the AMC as part of the final site plan review process. Should these calculations change during the course of this zoning appeal, Applicant



will work with County Staff and the Board of County Commissioners to obtain final site plan approval while meeting all relevant conditions and obligations as required by the APFO.

#### Principal Permitted Uses

Section 16.1(b) of the Zoning Ordinance sets forth the Principal Permitted Uses in the MXC. All principally permitted uses in the RT, RS, RU, RM and BL Districts are permitted in the MXC District. The uses on Lot 7 contemplated by the Applicant, and more particularly shown on Exhibit A, include 1,500 sf of retail space, a +/-4,500 sf of restaurant space and +/- 13,263 sf of residential area in Building 1, creating 50 units. Building 2 shows +/- 19,283 sf of residential area, creating 55 units. Townhouse and Apartment dwellings are permitted in the "RM" Residential, Multi-Family District. Similarly, restaurants and local retail goods and service shops are permitted in the "BL" Business, Local District. Thus, all proposed uses are permitted in the MXC.

#### Density Limitations.

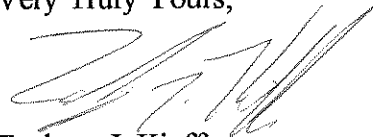
The development of Lot 7 is also governed by minimum or maximum limitations for permitted uses and densities set forth in Section 16.1(d) of the Zoning Ordinance. Section 16.1(d) requires a minimum of 2 types of residential uses. Lot 7 will include multi-family apartments and town houses. Commercial uses are capped at a maximum of 70% when applied to the HI District. Commercial uses on Lot 7 are significantly less than the 70% cap. Finally, the residential component of Lot 7 does not exceed 12 dwelling units/acre as set forth on the table in Section 16.1(d).

Historic Resources. No less than 10 sites in the relative vicinity of the Property are identified on the Historic Resources Map, maintained by the County Geographic Information Systems office, and inventoried by the Maryland Historic Trust ("MHT"). A review of these nearby sites shows that the sites nearest the Property were deemed to be minimally significant, according to the MHT Matrix, due to their recent construction. Notably, some of these properties have been redeveloped to accommodate commercial uses.

The Property satisfies the prerequisites for approval of the MXC. The zoning of the Property (HI) is one of the permissible underlying zoning districts for MXC. Lot 7 is of sufficient area to comply with all setbacks, density requirements, and minimum parking prescriptions that no variance from said requirements is contemplated. Placing the MXC on the Property would serve the purpose of the MXC district, as stated in the Zoning Ordinance. Namely, permitting a greater degree of flexibility and creativity in the development of mixed-use area. The area surrounding the Property has undergone significant development in the recent years, and the concept plan for the MXC creates a compatible and complementary mixture of uses. The residential component consisting of multi-family dwellings and town houses places these residences within walking distance of a grocery store, food service establishments, and retail establishments. The concept also provides housing choices different from the single-family homes located near the Property. The retail commercial space will provide additional on-site services to the residents. Convenient access to Interstate 70 is but another feature that will attract individuals to the Property seeking desirable living accommodations with proximity to a major

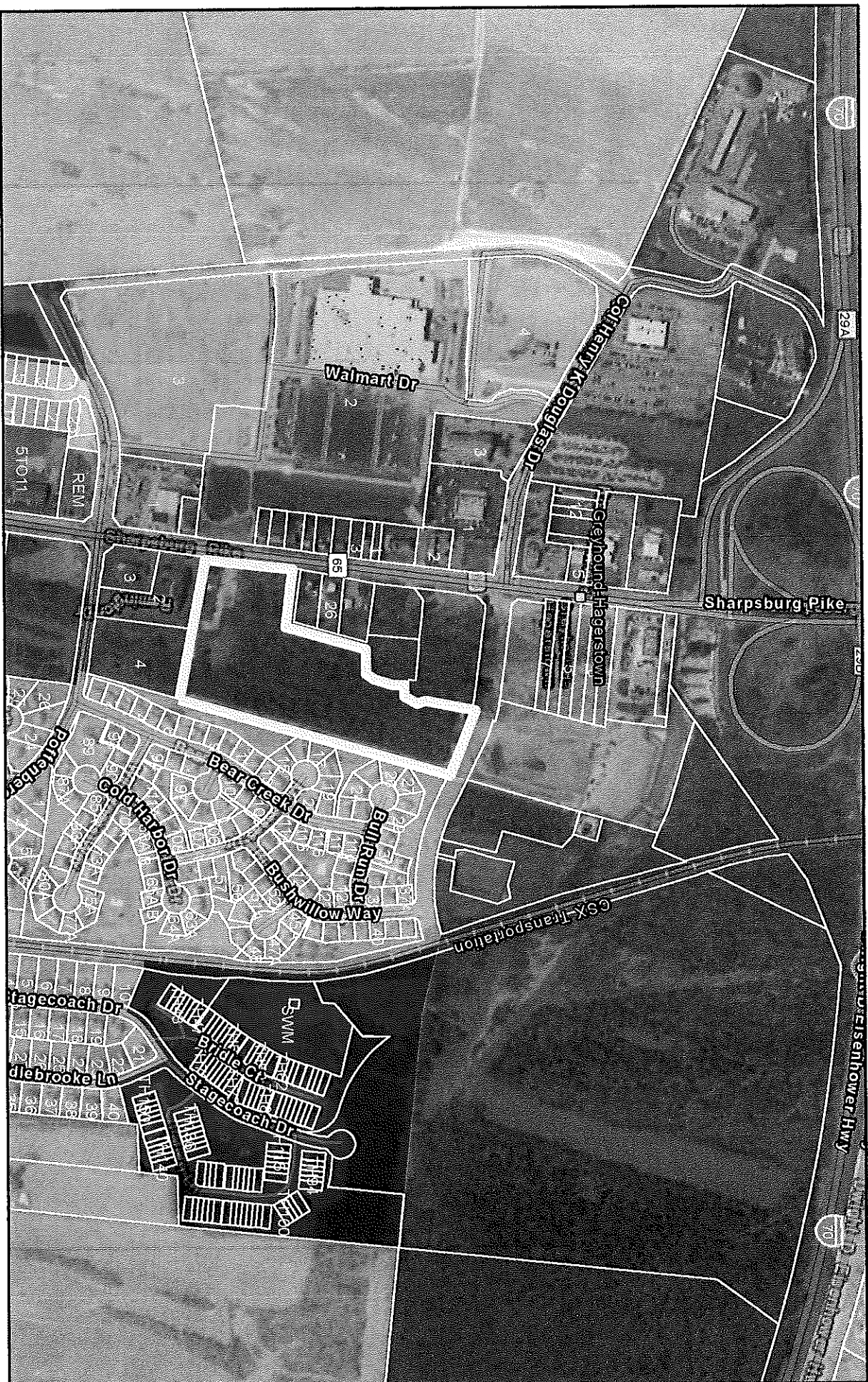
transportation network. The concept for the MXC provides a harmonious variety of housing choices, a varied level of community services and amenities and promotes adequate open space and scenic attractiveness with a design that is compatible and complementary to both the various uses on the Property, as well as the commercial and residential uses in the vicinity of the Property.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Zachary J. Kieffer', written over a horizontal line.

Zachary J. Kieffer  
*Attorney at Law*

# Shops at Sharpsburg Pike Zoning Concept



3/9/2021, 9:00:37 AM

World Transportation

Parcels

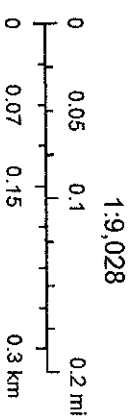
MD\_SixInchImagery Zoning

Industrial, Restricted

Residential Multi-Family

Residential Urban

Highway Interchange



Esri Community Maps Contributors, City of Hagerstown, WashCo MD, West

Web AppBuilder for ArcGIS

USDA FSA, Maxar | MD MAP, DoIT | Hagerstown MD | MD MAP, USDA | Esri, HERE, IPC | Esri Community Maps Contributors, City of Hagerstown, WashCo MD, West Virginia GIS, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/



THE LAW OFFICE OF  
**ZACHARY J. KIEFFER, LLC**

April 29, 2021

*Re: Justification Statement: 10319 Sharpsburg Pike, Hagerstown, MD 21740 (the "Property"); Appeal for Map Amendment*

REQUEST

Appeal is made by Sharpsburg Pike Holding, LLC (the "**Applicant**") for a Map Amendment to the current Washington County Zoning Map, amending that certain portion of the Property with the MXC District Overlay, containing +/- 9.92 acres and more particularly identified as "**Lot 7**" on the Rezoning Concept Plan for The Shops at Sharpsburg Pike prepared by Frederick Seibert & Associates, Inc., and attached hereto and incorporated herein as "**Exhibit A**".

BACKGROUND

The Property is located at 10319 Sharpsburg Pike. The Property's zoning designation is HI (Highway Interchange). The Applicant is the Owner of the Property by virtue of a Deed from Mansoor Emral Shaoool and Janet Emral Shaoool dated December 13, 2012 and recorded among the Land Records of Washington County at Liber 4436, folio 0127 as well as a Deed from Hoffman Family Homestead, LLC, dated October 5, 2017 and recorded among the Land Records of Washington County, Maryland at Liber 5607, folio 90.

Exhibit A contemplates the subdivision of the Property to create, among other lots, Lot 7. Lot 7, with the MXC District Overlay (the "**MXC**"), will contain a mix of residential and commercial uses, as permitted by Article 16 of the Washington County Zoning Ordinance (the "**Ordinance**").

As shown on Exhibit A, the Applicant intends to construct two (2) buildings of Multi-Family Apartments. The first building ("**Building 1**") contemplates 50 units, along with +/-1,500 sf of retail space and +/- 4,500 sf designated for a restaurant. The second building ("**Building 2**") shows 55 multi-family apartment units. Also included will be six (6) townhouses (the "**Townhouses**").

General Requirements.

19405 Emerald Square, Suite 2100 Office 202, Hagerstown, MD 21742

Office: 240-513-4332

Email: [zach@zkiefferlaw.com](mailto:zach@zkiefferlaw.com)

[www.zkiefferlaw.com](http://www.zkiefferlaw.com)

Section 16.4 of the Zoning Ordinance sets forth the general requirements of the MXC District:

- (a) Ownership: This application is for the placement of the MXC over a portion of one (1) lot of record owned by the Applicant. The Applicant has duly signed this application as the owner of the parcel.
- (b) Location: The Property is located within Growth Area for the City of Hagerstown. The Zoning Ordinance permits the location of the MXC District in the Highway Interchange (HI) District. The Property is zoned HI and located adjacent to Sharpsburg Pike/MD Route 65 ("**Sharpsburg Pike**"). The Townhouses, Building 1 and Building 2 will use Colonel Henry K. Douglas Drive as the means for access, ingress and egress to the signalized intersection with Sharpsburg Pike. Moreover, the Applicant has completed or contemplates the construction of the following road improvements in connection to the development of the Property:
  - i. Road widening and re-striping on Sharpsburg Pike for the addition of a two-way left turn lane on Sharpsburg Pike at the Rench Road intersection;
  - ii. Mitigation or improvements per State Highway Administration guidelines on Sharpsburg Pike;
  - iii. Fifty-foot ROW dedication from centerline of Sharpsburg Pike.
- (c) Utilities: The Property is served by public water and sewer facilities which will be connected to serve Building 1, Building 2 and the Townhouses.
- (d) The development of Lot 7 will comply with the requirements of the Washington County Adequate Public Facilities Ordinance (the "**APFO**").
  - i. As referenced above, the Applicant contemplates certain improvements to Sharpsburg Pike. If, during the final site plan approval process additional improvements are required to Sharpsburg Pike or other public roads serving Lot 7, said improvements will be made to ensure adequacy of Sharpsburg Pike and compliance with the APFO.
  - ii. School-aged children residing within the development on Lot 7 will attend Rockland Woods Elementary, E. Russell Hicks Middle School and South Hagerstown High School. In the course of the Concept Plan Review, County staff has indicated that the three schools are inadequate as determined by the APFO. Staff calculates that Rockland Woods Elementary, E. Russell Hicks Middle and South Hagerstown High enrollment, as a percentage of State Rated Capacity would be at 113.8%, 114.7% and 120.0%, respectively. The APFO provides options for mitigation, including the Alternate Mitigation Contribution ("**AMC**"). Section 5.8(a) allows for a developer may to make the AMC when any school affected by the new development exceeds adequate capacity, but does not exceed 120% of its State Rated Capacity (emphasis added). Given the Stated Rated Capacities of the three affected schools does not exceed 120% of their respective State Rated Capacity, the Applicant intends to pay the AMC as part of the final site plan review process. Should these calculations change during the course of this zoning appeal, Applicant

will work with County Staff and the Board of County Commissioners to obtain final site plan approval while meeting all relevant conditions and obligations as required by the APFO.

#### Principal Permitted Uses

Section 16.1(b) of the Zoning Ordinance sets forth the Principal Permitted Uses in the MXC. All principally permitted uses in the RT, RS, RU, RM and BL Districts are permitted in the MXC District. The uses on Lot 7 contemplated by the Applicant, and more particularly shown on Exhibit A, include 1,500 sf of retail space, a +/-4,500 sf of restaurant space and +/- 13,263 sf of residential area in Building 1, creating 50 units. Building 2 shows +/- 19,283 sf of residential area, creating 55 units. Townhouse and Apartment dwellings are permitted in the "RM" Residential, Multi-Family District. Similarly, restaurants and local retail goods and service shops are permitted in the "BL" Business, Local District. Thus, all proposed uses are permitted in the MXC.

#### Density Limitations.

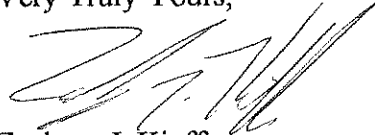
The development of Lot 7 is also governed by minimum or maximum limitations for permitted uses and densities set forth in Section 16.1(d) of the Zoning Ordinance. Section 16.1(d) requires a minimum of 2 types of residential uses. Lot 7 will include multi-family apartments and town houses. Commercial uses are capped at a maximum of 70% when applied to the HI District. Commercial uses on Lot 7 are significantly less than the 70% cap. Finally, the residential component of Lot 7 does not exceed 12 dwelling units/acre as set forth on the table in Section 16.1(d).

Historic Resources. No less than 10 sites in the relative vicinity of the Property are identified on the Historic Resources Map, maintained by the County Geographic Information Systems office, and inventoried by the Maryland Historic Trust ("MHT"). A review of these nearby sites shows that the sites nearest the Property were deemed to be minimally significant, according to the MHT Matrix, due to their recent construction. Notably, some of these properties have been redeveloped to accommodate commercial uses.

The Property satisfies the prerequisites for approval of the MXC. The zoning of the Property (HI) is one of the permissible underlying zoning districts for MXC. Lot 7 is of sufficient area to comply with all setbacks, density requirements, and minimum parking prescriptions that no variance from said requirements is contemplated. Placing the MXC on the Property would serve the purpose of the MXC district, as stated in the Zoning Ordinance. Namely, permitting a greater degree of flexibility and creativity in the development of mixed-use area. The area surrounding the Property has undergone significant development in the recent years, and the concept plan for the MXC creates a compatible and complementary mixture of uses. The residential component consisting of multi-family dwellings and town houses places these residences within walking distance of a grocery store, food service establishments, and retail establishments. The concept also provides housing choices different from the single-family homes located near the Property. The retail commercial space will provide additional on-site services to the residents. Convenient access to Interstate 70 is but another feature that will attract individuals to the Property seeking desirable living accommodations with proximity to a major

transportation network. The concept for the MXC provides a harmonious variety of housing choices, a varied level of community services and amenities and promotes adequate open space and scenic attractiveness with a design that is compatible and complementary to both the various uses on the Property, as well as the commercial and residential uses in the vicinity of the Property.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Zachary J. Kieffer', with a stylized flourish at the end.

Zachary J. Kieffer  
*Attorney at Law*







August, 2021

Case #: RZ-21-005

## Application for Map Amendment Staff Report and Analysis

---

---

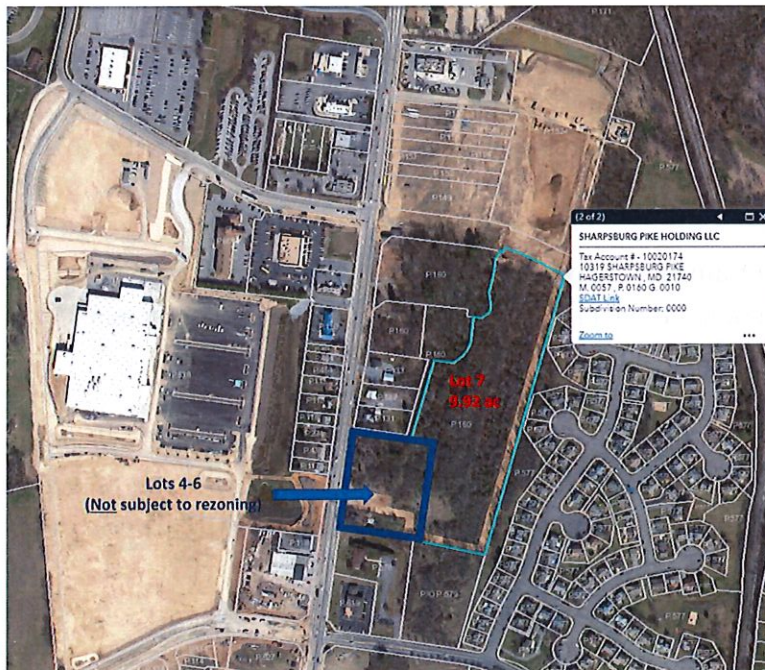
Property Owner(s)	:	Sharpsburg Pike Holdings, LLC
Applicant(s)	:	Sharpsburg Pike Holdings, LLC
Location	:	Sharpsburg Pike, 1/3 mile south I-70 interchange
Election District	:	#10 – Funkstown
Comprehensive Plan		
Designation	:	High Density Residential
Zoning Map	:	57
Parcel(s)	:	P. 160
Acreage	:	9.92 acres (Lot 7)
Existing Zoning	:	HI – Highway Interchange
Requested Zoning	:	MXC – Mixed Use Residential & Commercial
Date of Meeting	:	August 30, 2021

---

---

### I. Background Information:

#### A. Site and Vicinity Description



The site is located at 10319 Sharpsburg Pike, in between Col. Henry K. Douglas Drive and Poffenberger Road, approximately 1/3 mile south of the Interstate 70 interchange. The total acreage subject to this rezoning case is 9.92 acres. The concept plan included with this application refers to this area as Lot 7. Parcel 160 is presently 12.67 in total. Therefore, the

2.75 acres that have road frontage on Sharpsburg Pike (Lots 4-6 on the concept plan) are not part of this rezoning. All properties are located within the Urban Growth Area (UGA) that surrounds the City of Hagerstown and the Towns of Williamsport and Funkstown.

The parcel itself is currently undeveloped. Significant development has occurred in the immediate vicinity of this property along Sharpsburg Pike in recent years. Primarily this development has been commercial in nature. The new Walmart is directly west of the subject property, on the other side of Sharpsburg Pike. The new Aldi, Dunkin Donuts and other commercial land uses making up The Shops at Sharpsburg Pike development sits at the corner of MD-65 and Col. Henry K. Douglas Drive immediately adjacent to this site.

In addition to the existing residential development that remains along this portion of MD-65, there has been some new residential development in the immediate vicinity as well. The Villas at Gateway is a semi-detached, 24-lot residential development immediately southwest of the subject property. Notable amounts of detached single family housing exist currently or are in the process of being developed along Poffenberger Road less than 1 mile southeast of the site.

There are no sensitive environmental resources found within the proposed rezoning site, as demonstrated by a forest stand delineation approved for the site in 2016.

#### **B. Mixed Use District Purpose and Criteria**

The applicant is requesting to augment the property's existing Highway Interchange (HI) zoning classification to establish a new Mixed Use zoning district over top of the HI base zoning. The Mixed Use zoning classification replaced the previous Planned Unit Development (PUD) at the time of the Comprehensive Rezoning of the Urban Growth Area in 2012. The PUD zoning classification remains for all PUDs approved prior to July 1, 2012.

As noted in the Zoning Ordinance, Mixed Use Districts allow for greater flexibility in the design of residential, commercial and employment-focused developments than is possible under conventional zoning standards. Their purpose is:

*“.. to provide a compatible and complementary mixture of uses that will create a desirable living and working environment, promote an efficient use of the land, provide for a harmonious variety of housing choices, a more varied level of*

*community services and amenities, and the promotion of adequate open space and attractiveness.”<sup>1</sup>*

Three types of Mixed Use Districts comprise the range of choices available under this zoning classification. They include the Mixed Use Residential District (MXR), Mixed Use Commercial and Residential District (MXC), and Mixed Use Residential, Commercial, and Employment District (MXE). As is evident from the name of each District, the mixture of land uses allowed differs slightly in each one.

In this case, the applicant is pursuing the establishment of a new MXC District. The Zoning Ordinance states that:

*“The MXC or Mixed Use Commercial District is designed to permit a mixture of residential uses and limited commercial development to provide goods and services necessary to the neighborhood, all according to a preapproved master plan.”*

### **1. General Requirements**

Mixed Use Districts are established as “floating zones.” A floating zone is a zoning district that delineates conditions which must be met before that zoning district can be approved for an existing piece of land. Those conditions are primarily outlined in Section 16.4 of the Zoning Ordinance and include the following general requirements:

- ❖ **Ownership:** The tract of land to be approved for development with the Mixed-Use District must be in single ownership with proof of that ownership submitted to the Planning Commission prior to approval of the Final Development Plan.
- ❖ **Location:** All Mixed-Use Districts shall be located within the Urban Growth Area or the Town Growth Areas. All three Mixed Use Districts are permitted to be located in the RT, RS, RU, and RM Districts. The MXC and MXE Districts may also be located in the HI, IR, PI, and ORT Districts. The specific site shall be located adjacent to adequate roadway facilities capable of serving existing traffic and the future traffic generated by the uses in the Mixed-Use District or are able to be improved by the applicant to adequately serve the existing and proposed traffic.
- ❖ **Utilities:** All Mixed-Use Districts shall be served with public water and public sewer facilities approved by the Washington County Health Department.

---

<sup>1</sup> Washington County Zoning Ordinance, Article 16 “Mixed Use District,” p.115

- ❖ **APFO:** All development in Mixed Use Districts shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance before the site plan or final subdivision approval.

## 2. Permitted Uses and Densities

Permitted uses and densities for the MXC District are spelled out in Article 16.1 and shown in the table below:

**Table 1: MXC Permitted Uses and Densities**

District	Minimum Area	Residential Uses	Commercial Uses	Employment Uses	Open Space	Max DU/A
MXC	None	Minimum 2 types of residential units. 15%, or 25 DU must be MF, whichever is less	Maximum 10% or maximum 70% when applied to HI District	Not Permitted	Minimum 5% not including forest conservation area	12 DU/A (24 DU/A permitted in high rise building more than 6 floors)

## 3. Concept Plan and Zoning Approval Requirements

As noted in Article 16.5, review and approval for a Mixed Use District is a multi-step process. These steps include Concept Plan Review, Zoning Approval, Preliminary Development Plan Review and Approval, and Final Development Plan Review and Approval. During the rezoning process, the Concept Plan Review and Zoning Approval steps come into play.

The required content of the Concept Plan is described in Article 16.6 and summarized below:

- ❖ Vicinity Map
- ❖ Approved Forest Stand Delineation and preliminary Forest Conservation Plan
- ❖ Boundary, acreage and current zoning of the tract
- ❖ Minimum topographic information sufficient to determine surface drainage patterns
- ❖ Adjacent land uses, zoning and location of adjacent dwellings within 100 feet of the common property line

- ❖ Buffer yards required by Section 16.7 and the location of fencing or screen planting
- ❖ Location of various permitted uses; tabulation of the number and density of residential dwelling units; square footage of the area devoted to commercial and employment uses
- ❖ Roads – their alignment within the development including major access points; their relationship to existing adjacent land uses and to planned improvements identified in the Washington County Highway Plan; estimated traffic volumes and circulations patterns from the development onto existing and proposed roads (within a 1 mile radius of the site), and a preliminary proposal for road improvements to mitigate for expected negative effects
- ❖ Estimated average daily water consumption and sewage flow
- ❖ Location of historic resources identified in the Washington County or Maryland Historic Sites Inventory
- ❖ Pre-existing easements or rights-of-way of any kind
- ❖ Method proposed to insure maintenance of common areas (i.e.- HOA)
- ❖ School dedication site (only for developments with 500+ DUs)

Zoning Approval for the application is to be based upon the following considerations:

- ❖ Revisions to the Concept Plan that occurred in the wake of agency comments submitted during the Preliminary Consultation phase of development review
- ❖ Clear indication of the residential density requested
- ❖ Any needed modifications to the lot area, setbacks, or buffers

Zoning approval constitutes tentative approval of density and design features shown on the Concept Plan.

#### **4. Design Standards**

Section 16.7 describes Design Standards for Mixed Use Districts, most of which simply provide greater detail on the elements enumerated above that make up the Concept Plan. Section 16.7c however, provides detail on the criteria that should be considered by the Planning Commission and Board of County Commissioners to determine the appropriate mixture of uses for new Mixed Use Districts. The considerations include:

- ❖ Relationship of site to goals and objectives of the Comprehensive Plan and Land Use Plan Map
- ❖ Area of land under consideration



- ❖ Availability and capacities of existing and planned utilities
- ❖ Transportation system - proximity to, current condition, planned improvements and access proposals
- ❖ Site characteristics – physical and environmental constraints
- ❖ Open space – both currently available and proposed within the development and on adjacent lands
- ❖ Compatibility with surrounding land uses
- ❖ Unique needs of the development for public facilities or services

Other Design Standards of note include:

- ❖ **Walkways** – the mixed use development shall contain a comprehensive and cohesive pathway system for pedestrians and other non-motorized forms of transportation providing access to all areas of the development and off-site community facilities (transit, adjacent businesses, schools, etc.) to reduce vehicle dependency
- ❖ **Non-Residential Development** – commercial uses proposed should be primarily (but not exclusively) designed to serve the residents of the development
  - **Mixed Use Buildings and Shared Space**
    - Encourages shared space within buildings to accommodate mixed uses and with adjacent properties to meet parking requirements, among other considerations

## II. Staff Analysis

The preceding section described background information which must be satisfied to adequately address the requirements for the establishment of a new Mixed Use District within the scope of the intended development that has been proposed under this application. The analysis that follows does not attempt to exhaustively analyze all of these required elements, but merely to point out notable points of concern that have come up during review of the application, by both the Planner and reviewing agencies, during both the Preliminary Consultation and Rezoning stages of the development review process. Primary concerns of note for the proposed application include the mixture of uses shown on the Concept Plan and the adequacy of various public facilities serving the site (schools, water and sewerage, etc.). Additional points of lesser concern are also described which may warrant further inquiry by the Planning Commission and Board of County Commissioners (BOCC). Further analysis of how this application intends to address other requirements of the Zoning Ordinance for Mixed Use Districts can be found in the applicant's Justification Statement.

**A. Mix of Uses**

The MXC District, as previously described, is intended to combine a minimum of two residential use types with open space and limited commercial development which primarily serves the development's residents and/or the immediate neighborhood. The Concept Plan provided by the applicant satisfies these requirements to a minimal degree but does not meet the true intent of the of the MXC District.

This assertion can be understood by comparing the percentage of the total land area set aside for commercial or open space uses versus that which is devoted to residential development. The number of each type of residential use provides further evidence of a Concept Plan which focuses heavily on a single housing subtype.

First, regarding the minimum of two types of residential units, the Concept Plan overwhelmingly favors the provision of apartment units in its design. **Of the 111 dwelling units proposed as part of the Concept Plan, 105 (95% of the total), are intended to be apartment units.** Only 6 townhouse units are proposed as part of the design. Therefore, the variety of housing choices provided within the development would be very limited.

Secondly, the amount of space reserved for commercial and open space uses is also very limited in the proposed concept. A total of 6,000 square feet (sf) is shown on the Concept Plan, all of which is found within Building 1. The MXC District permits up to 70% of the district's acreage to be devoted to commercial uses when applied to a property that has an underlying HI zoning classification as this site does. **The 6,000 sq ft proposed for the site, therefore, devotes only 1.4% of the area under review to commercial uses.**

It should also be pointed out that the commercial uses depicted on Lots 4-6 are **not** part of the area subject to the proposed Mixed Use District. Only the 9.92 acres that make up Lot 7 are a part of the proposed map amendment. Based upon the visual depiction of the Concept Plan, it is easy to assume that the commercial development displayed on Lots 4-6 is part of the proposed District's design. The development of Lots 4-6 is, however, not part of this application and should not be considered as contributing to the footprint of commercial portion of the applicant's design and petition to rezone the property.

Finally, **the amount of open space provided appears to be very minimal as well.** MXC Districts require a minimum of 5% devoted to open space. The exact area devoted to open space is not clearly labeled or quantified in the application or on the Concept Plan as is required by the Ordinance. Assuming that the open space is represented by the area shown as including a gazebo and play area south of the 55-unit apartment building, plus

the outdoor patio space surrounding the 50 unit mixed use building, it appears that the open space would not significantly exceed the minimum 5% required by the Ordinance.

The MXC District also requires that the Concept Plan indicate the method proposed to insure maintenance of common areas (such as through the creation of an HOA). That information was not provided in the application materials submitted for review.

In sum, the design which has been proposed by the applicant depicts a Mixed Use District that would be overwhelmingly composed of residential multi-family housing uses. The other essential elements that make up an MXC District, including commercial and open space uses, are provided only to the minimum degree required by the Ordinance. Therefore, the overall purpose and intent of a true Mixed Use District, as defined in the Zoning Ordinance, has not been met by the proposed design.

## **B. Adequacy of Public Facilities**

Another point of concern with the establishment of a new Mixed Use District in this location is the adequacy of various public facilities that are regulated by the County's Adequate Public Facilities Ordinance (APFO). The purpose of the APFO is to ensure "*that public facilities and services needed to support new development shall be available concurrently with the impacts of such new developments.*"<sup>2</sup> Public facilities regulated under the Ordinance include roads, sewerage disposal systems, schools, water supply and distribution systems, and interim fire protection systems.

The adequacy of schools and the availability of public water constitute the primary public facilities which raise concerns as to whether impacts of the proposed new Mixed Use District could be mitigated concurrently with the development of the parcel.

### **1. Public Schools**

Under the APFO, a public school is deemed inadequate if:

- ❖ It exceeds 90% of the State Rated Capacity at the elementary school level
  - The above standard is known as the Local Rated Capacity (LRC)
- ❖ It exceeds 100% of the State Rated Capacity at the middle or high school levels

School adequacy is measured based upon quarterly enrollment reports pertaining to all Washington County Public Schools issued by the Board of Education (BOE). Both pupils generated by the proposed development and pupils generated from other previously

---

<sup>2</sup> Washington County Adequate Public Facilities Ordinance. P.1



approved developments which have not yet been fully built out (including developments within municipalities) are accounted for in the determination of existing school capacity and adequacy.

The proposed development falls within the following school districts: Rockland Woods (Elementary), E. Russell Hicks (Middle) and South Hagerstown (High). The most recent enrollment report available presently is from March 2021. Based upon that enrollment report, the following table shows the current status of the three schools impacted by the proposed development:

**Table 2: Current Enrollment Snapshot (March 2021)**

School Name	Current Capacity (% of SRC)
Rockland Woods Elementary	97.3%
E. Russell Hicks Middle	114.7%
South Hagerstown High	120.9%

The snapshot provided above demonstrates that all three schools affected by the proposed development currently exceed the SRC and/or the LRC. The capacity shown above does not account for the students that would be generated by the proposed development, which would likely push the schools even further beyond the SRC than they are presently. Additionally, enrollment figures that dropped during the COVID-19 pandemic may also return to, or exceed, pre-Pandemic levels in the coming school year and beyond, putting further strain on existing educational facilities.

Under APFO regulations, new development that occurs with school districts that are inadequate (under the capacity standards described previously) may make an Alternate Mitigation Contribution (AMC) **if** the proposed development does **not** cause the school to exceed **120% of the SRC**. When current capacity exceeds 120% of SRC, the project is not eligible to use the AMC to mitigate for school capacity impacts.

Mitigation for projects that cause the affected school district to exceed 120% of the SRC must be worked out directly with the Board of County Commissioners in consultation with the Board of Education. Various remedies are possible to address capacity issues in school districts that are inadequate including redistricting, school site dedication, developer funding to construct an addition to an existing school or developer funding for new school construction.

The BOCC does also have the authority to limit the number of building permits in any school district. Their decision is to be based on a recommendation from the Planning

Commission and should consider the adequacy of the affected school district as well as the capacity in immediately adjacent schools.<sup>3</sup>

At present, according to the 2021 Washington County Public Schools Educational Facilities Master Plan, South Hagerstown High School “*is projected to remain over capacity for the foreseeable future.*” The plan also explicitly states that “*WCPS does not currently anticipate the ability to add a comprehensive high school in the next ten years.*”<sup>4</sup>

The document does go on to state that “plans are in process to add additional seat capacity through alternative methods.” Precisely what methods will be used and how soon a plan to create additional seat capacity could be implemented is presently unknown. It also cannot be determined whether this potential relief would specifically address capacity issues in the school districts affected by the proposed Mixed Use District. **Therefore, it can only be assumed that school capacity will continue to exceed the LRC and SRC in the school districts affected by the proposed development for the foreseeable future.**

The applicant’s Justification Statement simply states that in the event of a school exceeding 120% of SRC, it will “*work with County staff and the Board of County Commissioners to obtain final site plan approval while meeting all relevant conditions and obligations as required by the APFO.*” No more is presently known about how the applicant would seek to address school capacity issues if this Mixed Use District were to be approved beyond this statement.

## **2. Access to Public Water**

Access to an adequate supply of public water to serve the proposed Mixed Use District is another point of concern. At first glance, this would not appear to be an issue for this property as it is already connected to the City of Hagerstown’s water system, according to comments made during the Preliminary Consultation phase of this development’s review by the City of Hagerstown’s Department of Utilities.

The site also meets other County and City requirements for access to public water systems. It was given a W-1 Existing Service designation in the County’s 2009 Water and Sewerage Plan, which mandates that the property connect to the public water supply distribution within one year or less if a connection is not already available at the time of the property’s development.

---

<sup>3</sup> Washington County Adequate Public Facilities Ordinance. PP.16-17

<sup>4</sup> 2021 Washington County Schools Educational Facilities Master Plan. P.4

The area subject to this rezoning also falls within the City of Hagerstown's Medium Range Growth Area (MRGA). The MRGA defines, among other things, the limits of new City water service for a twenty year planning period. Properties that fall outside of the MRGA, therefore, are not allowed to connect to existing water service lines under most circumstances. The property also has already signed a pre-annexation agreement with the City, according to the City of Hagerstown's Department of Utilities, which is another prerequisite for city water service.

The issue with water access therefore lies purely with the increased demand that would result from the rezoning of this property from the current, commercial and light industrial HI zoning classification to a high-density residential and limited commercial MXC district. The ability of the City of Hagerstown to provide water service to this property (as well as all others in the MRGA) is based upon growth assumptions that utilize existing zoning classifications. The rezoning of this property to allow for a more intensive land use in terms of water usage is a variable that was not accounted for when the City developed the growth model that informed the creation of the Water Resources Element in its adopted Comprehensive Plan. Thus, **an increased demand for water at this location would likely necessitate changes to the MRGA boundary elsewhere.**

### **3. Present and Future Transportation Patterns**

#### **a. Roads and Intersections**

The impact of a proposed development on traffic and circulation patterns in the area is another required element of this rezoning application, and, is frequently a source of concern of neighboring residents and businesses. Road improvements are another type of public infrastructure governed by the County's APFO. Traffic impacts from the proposed development were analyzed by various entities, at multiple points in time, both immediately before and as part of this rezoning application.

In April 2020, a traffic impact study (TIS) was approved which accounted for this site as a part of a larger investigation of the potential impacts pipeline development occurring in the Sharpsburg Pike Corridor, primarily in the immediate area south of the I-70 interchange. This study recommended the following road improvements in the immediate vicinity of the proposed rezoning:

- *"Access to the project includes a full movement access onto Colonel H K Douglas Drive, a right-in only on MD 65, and a new signalized full movement access on MD 65."*

- *“Road widening and re-striping on MD 65 for the addition of a Two-Way Left Turn Lane on MD 65 at the Rench Road intersection. The design shall be approved by SHA and Washington County.”*
- *“Mitigation/road improvements per SHA requirements including a raised median on MD 65, and a proposed signal and associated turn lanes on MD 65 at the second site access point. It should be noted that construction of a traffic signal at the second access point is not a County requirement for approval of the Traffic Study, rather it is at the preference of the Developer.”*
- *“An internal access connection to Remington Drive is recommended and shall be required if the signalized full movement second access (per item b above) is not constructed.”*
- *“A minimum ROW dedication of 50’ from centerline of MD 65 will be required for Site Plan approval per the County’s requirements for a Minor Arterial roadway. SHA may have additional requirements.”*

The applicant’s decision to seek the establishment of a new Mixed Use District in the subject location was then undertaken after approval of the original TIS. Accordingly, the proposed change in land use, both at this site and at other lots in The Shops at Sharpsburg Pike development, necessitated re-evaluating traffic impacts stemming from the new proposal. This follow up TIS was completed in April 2021. The study concluded that trip generation from the new mix of proposed land uses was **less** than that found in the previous TIS during each of the three time periods surveyed (Weekday AM Peak, Weekday PM Peak, Saturday Midday Peak). The developer is still required to comply with the conditions outlined above in the previous traffic study, but no additional improvements were required with the change in land use.

No additional road improvements are identified in the County’s current Capital Improvement Plan (2022-2031) in the immediate vicinity of the subject property.

The Maryland State Highway Administration’s portion of the state’s Consolidated Transportation Plan does include two major projects of note in the area of the rezoning: replacement of the I-70 bridge over MD-65, as well as improvements at the associated interchange. The Plan summary for the bridge project captures both improvements: *“This project will replace the decks on all four bridges and the superstructure of the two bridges*

*on I-70 over MD 65, one of which (eastbound) is rated in poor condition. The project will accommodate a planned future interchange reconstruction at MD 65.”<sup>5</sup>*

#### **b. Pedestrian Circulation and Connectivity to Neighboring Properties**

Consideration for non-motorized modes of transportation is also an integral part of the design of a mixed use development. The Concept Plan does provide for these needs to some extent, as sidewalks are depicted connecting the two apartment buildings as well as the six townhouses within the proposed Mixed Use District. Though not a part of the area covered by the rezoning application, the design also depicts some sidewalk connections between the subject site and immediately adjacent properties, particularly along Col. Henry K. Douglas Drive.

Beyond sidewalks, inter-parcel connectivity is another important consideration in planning a Mixed Use District that serves the needs of its residents and those utilizing services in the immediate vicinity. Creating connections between parcels, for both motorized and non-motorized users, enables patrons to utilize internal circulation routes to carry out a variety of tasks without adding unnecessary traffic flow onto adjacent collector and arterial transportation routes. Therefore, it is important that a detailed plan for circulation and connectivity which is inclusive of multiple travel modes be submitted in support of the establishment of a new MXC District, perhaps exceeding what is required for a typical site plan.

The Department of Plan Review and Permitting made comments on the proposed application to this effect, when routed a copy for review, which are copied below:

- *“Given the significant traffic generation and mix of land uses proposed in this development, it is recommended that pedestrian safety be carefully considered, and that a pedestrian circulation plan be included in the Development Plan/Site Plan.”*
- *“The application states, ‘The area surrounding the Property has undergone significant development in the recent years, and the concept plan for the MXC creates a compatible and complementary mixture of uses.’ This compatible and complementary use should include joint access with neighboring properties and alignment with other accesses. These elements should be considered in the Development Plan/Site Plan.”*

---

<sup>5</sup> Maryland Department of Transportation. *FY 21-26 Consolidated Transportation Plan*. P. SHA-W-2.



### III. Additional Considerations

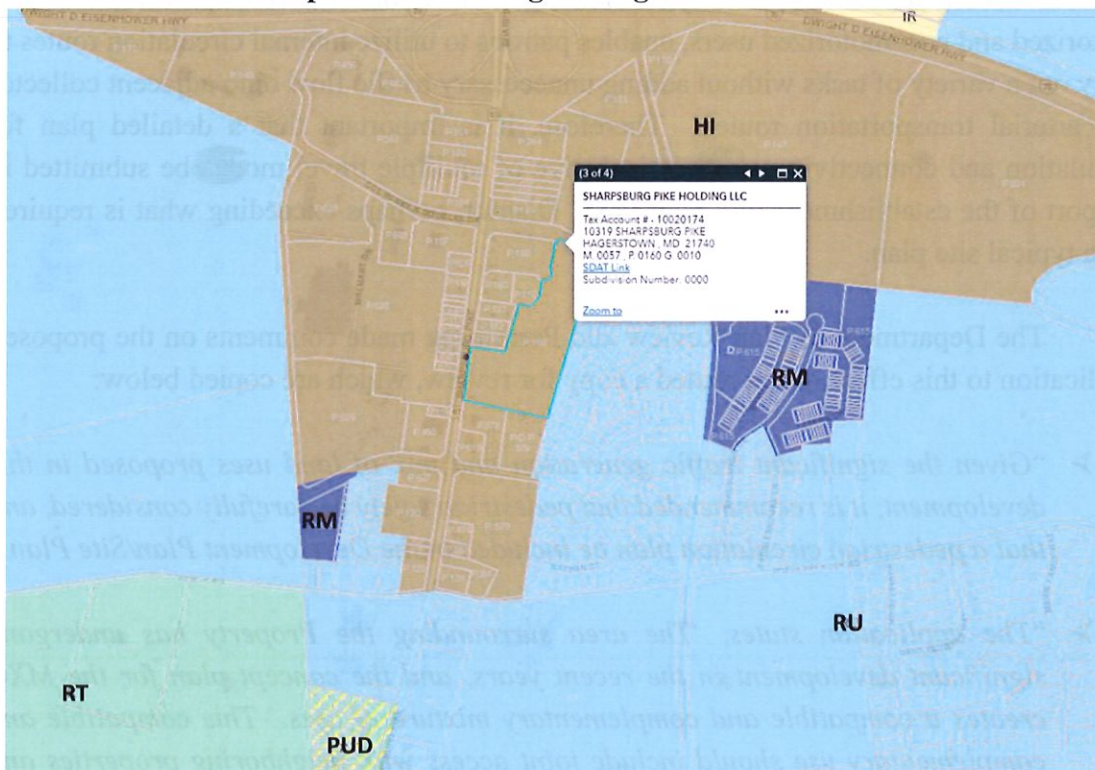
#### A. Compatibility with Existing and Proposed Development in the Area:

The compatibility of the proposed development with the surrounding neighborhood, in terms of zoning, land use, and historic sites is another important consideration in determining the appropriate mix of uses within the MXC District being sought. The character of the “neighborhood” in the present and immediate future is profiled below through these lenses.

##### 1. Surrounding Zoning

Map 1, below, shows the existing zoning in the area surrounding the proposed rezoning site at 10319 Sharpsburg Pike.

**Map 1: Surrounding Zoning Classifications**



The corridor from the I-70 interchange south to Poffenberger Road is all currently zoned HI on both sides of MD-65. As one gets further away from this arterial roadway, the zoning transitions to residential classifications at various densities. Much of it is Residential Urban (RU), which allows single family, semi-detached and two-family dwelling units on roughly ½ acre lots, along with limited community service type uses. Claggetts Mill is an example of an actively building subdivision within this zoning class

located less than 1 mile to the southeast. There is also Residential Transition (RT), which is the least dense residential district in the Urban Growth Area, at 2-4 dwelling units per acre. Most of the RT is presently in an agricultural land use.

There is also high-density residential zoning in the immediate vicinity. Two Residential Multi-family (RM) districts are found within 1/3 mile from the subject site, including the Carriage Hills development. Perhaps most relevant is another mixed use district, in this case a PUD whose zoning was approved in 1992, St. James Village North.

In sum, while the commercially focused HI zoning dominates the Sharpsburg Pike corridor, there is a variety of residential zoning classes within a 1 mile radius of the site.

## **2. Land Use**

Commercial land uses predominate the immediate area around the rezoning site. The most notable is the new Walmart directly across MD-65 to the west. Fast food restaurants, retail shops and gas stations occupy most of the other lots already developed north and south of the subject property. Premium Outlets is just past the I-70 interchange to the north. The MVA is just north of the Walmart. As noted previously, an ALDI grocery store anchors the portion of The Shops at Sharpsburg Pike that has been developed so far. It is complemented by other fast food and retail establishments.

In addition to the residential developments of various densities noted in the previous section, others in the immediate vicinity include Cross Creek and the Villas at Gateway (detached single family homes). Somerford, a senior living community, is 1/3 mile southwest on MD-65.

While much of the historic land uses which occupied this part of the Sharpsburg Pike corridor are transitioning to commercial, there are still a fair number of single-family homes along MD-65, and active farms within a 1 mile radius of the rezoning site.

Overall, this transitioning “neighborhood” around the proposed MXC District should be viewed, at this point, as consisting of two major parts – a heavy commercial focus among lots with road frontage along MD-65, and mostly suburban-style, single-family housing developments built or coming online in the immediate vicinity.

## **3. 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 Maryland Historic Trust Inventory, there are 2 existing historic sites located within an approximately

½ mile radius of the proposed rezoning areas. Below is a listing of existing historic resources within a ½ mile radius of the subject parcels.

- WA-I-448: “Brick Farmhouse,” late-19<sup>th</sup> century, 2-story brick farmhouse. Altered early 20<sup>th</sup> century.
- WA-I-503: “Frame Bungalow,” early-20<sup>th</sup> century, 1 ½ story bungalow style home.

**B. Relationship of the Proposed Change to the Adopted Plan for the County:**

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

The 9.92 acres subject to this requested zoning map amendment was given the High Density Residential sub-policy area designation in the County’s 2002 Comprehensive Plan. Therefore, the applicant’s proposal for this parcel does not deviate significantly from what was anticipated in the 2002 Plan, as they are proposing roughly 11 dwelling units per acre.

The Comprehensive Plan offers the following definition for this policy area:

*“The High Density Residential policy area is primarily associated multi-family type residential development. Principal zoning districts related to the policy area include the Residential - Multi-Family, Highway Interchange Two, and Residential Urban districts. The majority of the types of housing either existing or anticipated to be proposed for the policy areas are apartments, townhouses, and group homes, as well as duplexes and single-family homes on small lots. Typical housing developments would have densities in excess of 8 units per acre for multi-family developments and 6 units per acre for single-family developments.*

*Existing or proposed development associated with this classification is primarily located around the I-70 & MD 65 Interchange, Robinwood Drive area, Londontowne area, the I-81 & US 11 Interchange, Oak Ridge Drive, and the I-81 & Maugan’s Avenue Interchange.”<sup>6</sup>*

---

<sup>6</sup> 2002 Washington County, Maryland Comprehensive Plan, Page 245



#### **IV. Recommendation**

The applicant is requesting to rezone the property from its existing HI zoning designation, to apply an MXC floating zone atop this base zoning. The MXC Zoning District permits the applicant to pursue what is intended to be a complementary, efficient and attractive mixture of residential, commercial and open spaces uses.

Through their Justification Statement and Concept Plan, the applicant has met the majority of the conditions (as outlined in the report's introduction) required to be met in order to establish a new MXC District. These pre-requisites include primary considerations such as a specified residential density, the inclusion of multiple housing types, the ability to connect to public water and sewer service, cooperation in making necessary road improvements in the vicinity and more.

Speaking generally, a mixed use development makes a great deal of sense for the immediate neighborhood around this property, as it is presently constituted. The Sharpsburg Pike corridor below I-70 is transitioning from historic patterns of agricultural use and single-family homes along the roadway itself, to a higher intensity mix of commercial and more dense housing of various subtypes. Thus, what the applicant is proposing could work well at this location at some point in time in the future.

At present, however, it is difficult to recommend the establishment of the MXC floating zone on this property. Primarily this is because of the APFO concerns that were outlined in detail in this report. The most significant concern is with school capacity in the South Hagerstown High School District. That school already exceeds 120% of State Rated Capacity, which eliminates the ability of the applicant to utilize the Alternate Mitigation Contribution to satisfy their requirement to address this inadequacy. There are also no immediate plans to build a new high school in this district in the next 10 years, according to Washington County Public Schools 2021 Educational Facilities Master Plan. Other potential remedies, such as redistricting, are unknown at present and could not be counted on to address the issue in the near future. Enrollment figures that dropped during the COVID-19 pandemic may also return to, or exceed, pre-Pandemic levels in the coming school year and beyond, putting further strain on existing educational facilities.

Also highlighted in this report, as a major point of concern, is the availability of public water and sewer for a more intensive use than is permitted under the property's existing HI zoning. The City of Hagerstown, the water provider for this property, has established the boundaries of its Medium Range Growth Area based upon the existing zoning throughout the City and County. Therefore, upzoning this property to a more intensive use has the potential to necessitate the retraction of the MRGA by the City

elsewhere within the County's designated Urban Growth Area. The feasibility of accomplishing this modification in a manner that would satisfy all parties is difficult, at best, to predict.

Finally, the staff report has offered evidence that the current design of this MXC District, as shown on the Concept Plan, could be improved to more closely fit the purpose of this zoning classification, as it is defined in the Zoning Ordinance. At present, it focuses heavily on the provision of apartment units, above all other elements required by the Ordinance.

Therefore, it is staff's opinion that a new mixed use district at this location could be more sustainably pursued in the future when the issues outlined above have been fully resolved.

Respectfully Submitted,



Travis Allen  
Comprehensive Planner



## DEPARTMENT OF PLANNING & ZONING

PLANNING | ZONING | LAND PRESERVATION | FOREST CONSERVATION | GIS

April 4, 2022

RZ-21-005

### APPLICATION FOR MAP AMENDMENT PLANNING COMMISSION RECOMMENDATION

Applicant(s) Sharpsburg Pike Holdings, LLC  
Location 10319 Sharpsburg Pike  
Tax Map/Grid/Parcel 57/10/160

#### RECOMMENDATION

A map amendment application for property at 10319 Sharpsburg Pike was first considered by the Washington County Planning Commission on August 30, 2021 in a rezoning public information meeting. The applicant is requesting the establishment of a new MXC (Mixed Use Residential and Commercial) floating zone atop the existing HI (Highway Interchange) base zoning. Following the public information meeting, The Washington County Planning Commission recommended [to the Board of County Commissioners] the denial of this request for the following reason:

- 1) The schools serving this proposed development would not have adequate capacity to serve the projected pupil yield of the new units; and, the applicant did not present information that would indicate the impacts of this development on the school system are highly solvable.

On November 30, 2021, the Board of County Commissioners held a public hearing for the proposed map amendment. At that time, the applicant submitted additional information concerning their plans to address school capacity by proposing age-restricted residential units. Because this information was not available to the Planning Commission at its August 30<sup>th</sup> meeting, the County Commissioners remanded this application back to the Planning Commission for additional review and comment.


The Planning Commission held a second public information meeting on February 7, 2022 for the purpose of reviewing the applicant's additional information and taking public comment. At its regular meeting on March 7, 2022 the Planning Commission again considered the application and supporting documents, oral and written testimony, and the Staff Report as well as the additional information provided to address school capacity issues. The Planning Commission again voted unanimously to recommend denial [to the Board of County Commissioners] of the rezoning application based on the following:

- 1) The lack of adequate public facilities and infrastructure to serve the development.
- 2) No way to enforce the age-restriction requirement.

Copies of the unapproved minutes of the Planning Commission's March 7, 2022 meeting are attached.

JLB/TMA/dse  
Attachment

Respectfully submitted,

  
Jill L. Baker, AICP  
Director

**From:** [DEBRA EBERSOLE](#)  
**To:** [Planning Email](#)  
**Subject:** Re: RZ 21-005  
**Date:** Sunday, November 28, 2021 10:01:22 PM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I received a notice of a meeting regarding the same rezoning request meeting I emailed my opposition to back in August. Since I'm not sure if this requires a new email to be part of the record I'm going to state my opposition again.

I am the homeowner and resident of 10527 Bushwillow way.

I received notice of the meeting to discuss, among other things, adding over 100 apartments office Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

I am 100% opposed to this!

There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and Sheetz stores have already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area, or the citizens who live there.

Debbie Ebersole

> On Aug 30, 2021, at 11:50 AM, Planning Email <askplanning@washco-md.net> wrote:

> Your comments have been received and will be made part of the official record. Thank you.

>

>

>

> Debra S. Eckard

> Administrative Assistant

> Washington County Dept. of Planning & Zoning

> 100 W. Washington Street, Suite 2600

> Hagerstown, MD 21740

> 240-313-2430

>

> \*\*In accordance with direction provided by the Governor's Office related to current COVID-19 events, I am working remotely indefinitely. Email correspondence is encouraged as phone messages may not be returned until our offices are reopened. I apologize for any inconvenience and assure you our Department is working diligently to continue the highest level of service possible during this pandemic event. Thank you\*\*

>

> -----Original Message-----

> From: DEBRA EBERSOLE <djwinst23@aol.com>

> Sent: Thursday, August 26, 2021 8:32 AM

> To: Planning Email <askplanning@washco-md.net>

> Subject: RZ 21-005

>

> WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

> Any claims of being a County official or employee should be disregarded.

>

> I am the homeowner and resident of 10527 Bushwillow way.

> I received notice of the meeting to discuss, among other things, adding over 100 apartments off Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

> I am 100% opposed to this !!!

> There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and now new Sheetz that just opened has already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

> I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area. You should spend some time observing the traffic in the area, and coming off of interstate 70, and then imagine adding 105 more apartments and their residents and cars to it.

>

> How many of these apartments proposed will end up being subsidized housing? Do we need more apartments for the families of the prison inmates to move here? The area growing and adding apartments isn't attracting good families from other areas. People are living here that came from the larger cities. You see it in the newspaper articles about crimes in our area all the time. And our County just seems to be providing more and more places for those people to live.

>

> Debbie Ebersole

**From:** [Hart, Krista](#)  
**To:** [Gary Hawbaker](#)  
**Cc:** [Planning Email; &County Commissioners](#)  
**Subject:** Re: RZ-21-005 Sharpsburg Pike  
**Date:** Friday, January 7, 2022 12:20:39 PM

---

Mr Hawbaker,

This email will serve to confirm receipt of your communication.

Thank you,  
Krista Hart  
County Clerk

On Jan 7, 2022, at 12:07 PM, Gary Hawbaker <g.hawbaker@myactv.net> wrote:

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Planning Commission and Commissioners,

This is to voice my opposition to the request to change 10319 Sharpsburg Pike from HI to MXC.

It was my understanding that one of the goals in zoning is to be consistent so that we don't get areas that have a wide use of different type's properties in a short distance. With that said it appeared that the County intended for Sharpsburg Pike between I-70 and Poffenberger Road is to be developed with non-residential properties.

I would urge all members of the Commission to drive from I-70 to Poffenberger Road and look what properties are there. Fast food, gas stations, grocery store, restaurants and of course the whole Walmart complex.

The county even extended Henry K. Douglas Drive so those type of properties could be developed. This road did open up our quiet Cross Creek Development

although my understanding is once the railroad approves crossing their tracks the county will extend the road so more residential properties can be built.

Cross Creek is a single home development and has been there for over 25 years with low crime and very little intrusion from non-residents. To change the intent of HI to MXC which would add apartments and townhomes doesn't seem logical. This would potentially have a negative effect on Cross Creek residents.

I'm also aware the schools that this complex would send children to are overcrowded and that is proven by looking at the buses that travel past my house every day that are completely full.

Once again I would ask you to take that small drive on Sharpsburg Pike and tell me that a housing complex in the middle of all the other non-residential housing makes sense. Thank You.

Gary Hawbaker  
10531 Bushwillow Drive  
Hagerstown, MD 21740

**From:** [DEBRA EBERSOLE](#)  
**To:** [Planning Email](#)  
**Subject:** RZ 21-005  
**Date:** Monday, February 7, 2022 3:19:47 PM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I received a notice of a meeting regarding the same rezoning request meeting I emailed my opposition to back in August. Since I'm not sure if this requires a new email to be part of the record I'm going to state my opposition again.

>

> I am the homeowner and resident of 10527 Bushwillow way.

> I received notice of another meeting to discuss adding the apartments Sharpening Pike between our development and the Aldi and Dunkin Donuts that have been added within the last few years.

> There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and Sheetz stores have already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding these apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

> I have watched my nice area turn into a mess over the years. This time my understanding is that the developer is trying to get around the school overcrowding issue by stating the apartments are adult only, with no way to verify that. Their solution is nothing more than empty words meant to get their desired result. Please deny this request!

>

> Debbie Ebersole

>

>

>> On Aug 30, 2021, at 11:50 AM, Planning Email <askplanning@washco-md.net> wrote:

>> Your comments have been received and will be made part of the official record. Thank you.

>>

>>

>>

>> Debra S. Eckard

>> Administrative Assistant

>> Washington County Dept. of Planning & Zoning

>> 100 W. Washington Street, Suite 2600

>> Hagerstown, MD 21740

>> 240-313-2430

>>

>> \*\*In accordance with direction provided by the Governor's Office related to current COVID-19 events, I am working remotely indefinitely. Email correspondence is encouraged as phone messages may not be returned until our offices are reopened. I apologize for any inconvenience and assure you our Department is working diligently to continue the highest level of service possible during this pandemic event. Thank you\*\*

>>

>> -----Original Message-----

>> From: DEBRA EBERSOLE <djwinst23@aol.com>

>> Sent: Thursday, August 26, 2021 8:32 AM

>> To: Planning Email <askplanning@washco-md.net>

>> Subject: RZ 21-005

>>

>> WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

>> Any claims of being a County official or employee should be disregarded.

>>



>> I am the homeowner and resident of 10527 Bushwillow way.

>> I received notice of the meeting to discuss, among other things, adding over 100 apartments off Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

>> I am 100% opposed to this !!!

>> There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and now new Sheetz that just opened has already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

>> I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area. You should spend some time observing the traffic in the area, and coming off of interstate 70, and then imagine adding 105 more apartments and their residents and cars to it.

>>

>> How many of these apartments proposed will end up being subsidized housing? Do we need more apartments for the families of the prison inmates to move here? The area growing and adding apartments isn't attracting good families from other areas. People are living here that came from the larger cities. You see it in the newspaper articles about crimes in our area all the time. And our County just seems to be providing more and more places for those people to live.

>>

>> Debbie Ebersole

>

**From:** [Dennis Weaver](#)  
**To:** [Planning Email](#)  
**Cc:** [&County Commissioners](#)  
**Subject:** RZ-21-005 - Rezoning of 9+ acres off Sharpsburg Pike  
**Date:** Tuesday, January 4, 2022 11:07:31 AM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Planning Commission:

I am writing to oppose rezoning request RZ-21-005, regarding property between the existing Cross Creek development and the Sharpsburg Pike.

I own and reside at 18404 Bull Run Drive, where my back yard abuts the property proposed for rezoning from HI to MXC, with a proposal for 105 apartments and a few townhomes. Even before the recent commercial development along Sharpsburg Pike (Walmart, Sheetz, Aldi) traffic in the area was horrendous. The addition of the traffic lights at Poffenberger Road and Col Douglas Drive have helped but the close proximity to the I-70 interchange exacerbates the problem. Additionally, the proposal calls for commercial development on the first floor of one of the two apartment buildings, adding that commercial traffic to the residential traffic increase.

The recent redesign of the I-70/Sharpsburg Pike interchange was poorly planned. One often sits through three traffic-light sequences when coming off I-70 East onto Sharpsburg Pike South. And it is extremely difficult to make a left-hand turn from Rench Road onto Sharpsburg Pike, particularly around the beginning and end of the work-day. Sharpsburg Pike is a main thoroughfare for workers from south county and from West Virginia headed to and from the Hagerstown area and the I-70 corridor. Adding this proposed dense residential development, bringing more than 200 additional resident vehicles to this section of the Sharpsburg Pike should not occur. Commercial development would bring more traffic as well, but it would presumably be spread over the course of the day rather than concentrated

In addition, as others have pointed out, schools serving this area are over capacity now, and the proposed development will make that problem worse. In addition to overcrowding in these schools, traffic into and out of South Hagerstown High, E. Russell Hicks and Emma K. Doub in the morning and afternoon is abysmal, with an extra lane needed in each direction on Sharpsburg Pike along that entire stretch. This proposed development would add to that problem as well.

I much prefer commercial development on the tract proposed for rezoning as would be allowed under the HI zoning. Give us office buildings, retail, etc, rather than multi-family residential that will definitely reduce our quality of life and our property values - particularly those of us whose properties border this tract.

I suspect that the developer is requesting this change because they are disappointed with the speed at which commercial development has occurred on their property after Walmart was built, but their desire to speed profits should not cost their neighbors.

Thank you for the opportunity to comment on this proposal. I respectfully request that you find the developer's request ill-advised and deny it. At the very least, the remainder of this property should be limited to residential only or commercial only, not a combination that doubles the impact.

Respectfully,  
Dennis Weaver  
18404 Bull Run Drive  
Hagerstown, MD 21740

**From:** [Shayla Jackson](#)  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Tuesday, January 4, 2022 7:15:50 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I am writing to express my strong opposition to RZ-21-005, the proposed rezoning for Sharpsburg Pike Holdings, LLC. As a resident of the Cross Creek neighborhood, I am completely opposed to the addition of multi-family housing that will cause traffic and safety problems, create even more problems with schools that are already over-capacity, destroy local wildlife habitat, and potentially lower the property values of the existing community.

Traffic and safety of pedestrians are major areas of concern. Traffic jams in this area already span the distance of Sharpsburg Pike and the Sharpsburg Pike/Col Henry K Douglas Drive intersection during rush hour.

Schools in the area are already reported at capacity, and the council should not approve multi-family dwellings that creates or exacerbates a situation that will cause school concurrency to fail for this proposal and/or other approved plans.

Wildlife has been observed in the area, and any development will destroy their habitat.

Any planned development of the property should consider the continuing impact to local wildlife habitat.

Property values are likely to go down in the area if multi-family apartments or condominiums are built. Multi family dwellings are inconsistent with the neighborhoods developed in the area.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails.

Best regards,  
Shayla Jackson  
Cross Creek Resident

**From:** [John Musselman](#)  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Friday, February 4, 2022 9:26:17 AM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

To whom it may concern,

Yet another hearing for this zoning change. I understand what the developer is trying to do and that is make money. I seem to remember reading that there was a law on the books . concerning student capacities at high schools. South High is way over crowded as it is. ANYBODY that has a student in that school in the last ten years knows this. There is already a development that is building like crazy and all those kids are going to be attending South. What will another 400- 600 kids do to South High?

Next Issue, small children. Where will they play? will they end up venturing out onto Sharpsburg Pike?? Will they reduce the speed limit on the Pike? If that is the answer what happens at the I 70 interchange? It is already backed up at prime times of the day.

I live in the cross creek development. I do not want this zoning changed. The kids in the Middle and high school system are going to be the ones that pay the price, If not a small child that wonders out onto the Pike at the wrong time.

Sincerely,

John Musselman

**From:** ANNAMARIE WISE  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Tuesday, November 30, 2021 10:29:54 AM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

As residents of the Cross Creek community, we wish to express our objections to the refining plan before the board today. This proposed development will be detrimental to our quality of life, bringing more traffic, noise/light/air pollution, overload our already maxed-out schools. Please vote "NO" and advise the developer to go elsewhere! Thank you!!

Annamarie Wise  
Kevin Wines

Sent from my iPhone



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

## MEMORANDUM

TO: Planning Commission members  
FROM: Debra Eckard, Administrative Assistant  
DATE: September 21, 2021  
RE: RZ-21-005 – Sharpsburg Pike Holdings LLC

Attached are copies of public comments that we have received since the public information meeting that was held on August 30, 2021 for the map amendment for Sharpsburg Pike Holdings, LLC. All written comments have been made part of the official record, RZ-21-005.

**From:** John Musselman  
**To:** Planning Email  
**Subject:** RE: RZ-21-005  
**Date:** Monday, August 30, 2021 6:44:28 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Hello,

This in reference to RE:RZ-21-005.

I live on Bushwillow Way. My kids are older now but went to a high school ( South High ) that was extremely crowded. The Middle school was as well. I am Going off of memory of what was sent out a few months ago but I thing there was something like 400 units planned as well as 7 townhouses. It appears that the goal of the developer is to make as high a profit as possible with apartments. The town houses ( 1 block ) looks as though it was thrown in to say there would be single family houses. The concerns I have are mainly for the family's that might end up there. see below

1. Education for kids, the local schools are already beyond overcrowded. Is the county just going to bring in more trailers for the schools ?
2. Safety, potential for a lot of kids to end up out on sharpsburg Pike. The road is already over crowded.
3. Property values, Will there be a negative affect on the people already living here.
4. I cant stress enough about the overcrowding of our schools.

Sincerely,

John Musselman

/



**From:** [Stan and Sherry Michaleski](#)  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Wednesday, August 25, 2021 8:32:57 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I am asking that the proposed development off of Sharpsburg Pike be denied. The schools and traffic issues are already out of hand and this development will only exacerbate this; and furthermore it affect property values of Cross Creek.

**From:** DEBRA EBERSOLE  
**To:** Planning Email  
**Subject:** RZ 21-005  
**Date:** Thursday, August 26, 2021 8:32:37 AM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.  
Any claims of being a County official or employee should be disregarded.

I am the homeowner and resident of 10527 Bushwillow way.

I received notice of the meeting to discuss, among other things, adding over 100 apartments off Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

I am 100% opposed to this !!!

There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and now new Sheetz that just opened has already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area. I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area. You should spend some time observing the traffic in the area, and coming off of interstate 70, and then imagine adding 105 more apartments and their residents and cars to it.

How many of these apartments proposed will end up being subsidized housing? Do we need more apartments for the families of the prison inmates to move here? The area growing and adding apartments isn't attracting good families from other areas. People are living here that came from the larger cities. You see it in the newspaper articles about crimes in our area all the time. And our County just seems to be providing more and more places for those people to live.

Debbie Ebersole

**From:** [Ron Lutz](#)  
**To:** [Planning Email](#)  
**Subject:** apartments behind Aldi's  
**Date:** Thursday, August 26, 2021 12:10:23 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.  
Any claims of being a County official or employee should be disregarded.

Planning Commission,

We are seventeen year residents in Cross Creek the development behind Aldi's . We are adamantly opposed to the two apartment buildings being considered behind Aldi's. I can only imagine what our neighborhood will be like with the addition of 3-400 new people. People rent apartments when they can't afford houses. Please vote no on this proposal.

Sincerely,

Ron & Mary Lutz

Sent from [Mail](#) for Windows

**From:** RICKELLE ABBOTT  
**To:** Planning Email  
**Subject:** RZ-21-005  
**Date:** Monday, August 30, 2021 10:31:44 AM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.  
Any claims of being a County official or employee should be disregarded.

In regards to the proposed mixed used residential and commercial planning at 10319 Sharpsburg Pike. Please take into consideration that the blasting from the construction sites have compromised the foundation and structures of residents near by. For example but not limited to, cracks in home ceilings, nails popping out of walls and concrete cracks. Us as home owners are responsible for these repairs. This type of property damage has happened with the past construction that was done at the near by location on Sharpsburg pike and will most likely happen again.

Thank you,

Rickelle Abbott  
10216 Bear Creek Dr.  
Hagerstown, MD 21740

Sent from my iPhone

**From:** [Shayla Jackson](#)  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Thursday, August 19, 2021 8:47:58 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I am writing to express my strong opposition to RZ-21-005, the proposed rezoning for Sharpsburg Pike Holdings, LLC. As a resident of the Cross Creek neighborhood, I am completely opposed to the addition of multi-family housing that will cause traffic and safety problems, create even more problems with schools that are already over-capacity, destroy local wildlife habitat, and potentially lower the property values of the existing community.

Traffic and safety of pedestrians are major areas of concern. Traffic jams in this area already span the distance of Sharpsburg Pike and the Sharpsburg Pike/Col Henry K Douglas Drive intersection during rush hour.

Schools in the area are already reported at capacity, and the council should not approve multi-family dwellings that creates or exacerbates a situation that will cause school concurrency to fail for this proposal and/or other approved plans.

Wildlife has been observed in the area, and any development will destroy their habitat. Any planned development of the property should consider the continuing impact to local wildlife habitat.

Property values are likely to go down in the area if multi-family apartments or condominiums are built. Multi family dwellings are inconsistent with the neighborhoods developed in the area.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails.

Best regards,  
Shayla Jackson  
Cross Creek Resident

**From:** [Pat Kay](#)  
**To:** [Planning Email](#)  
**Subject:** Proposed Zoning-MXC-Mixed Use Residential and Commercial Sharpsburg Pike  
**Date:** Monday, August 23, 2021 8:14:59 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Patricia Kay

10408 Bear Creek Drive

Hagerstown, MD 21740

8/19/2021

Washington County Planning Commission

100 West Washington Street Suite 2600

Hagerstown, MD 21740

Dear Sir/Maam:

I write this letter to express my opposition to a proposed amendment to change the present zoning of 10319 Sharpsburg Pike from HI to MXC.

I have several concerns about this proposal. My first concern is with the traffic. Traffic has increased significantly with the addition of the Walmart, Sheetz and Dunkin Donut. When the Walmart was built, for example, the residents were assured that traffic flow from Rench road would be redirected to a new road that would connect to Poffenberger Road. That has not happened and the traffic problems that occur at 4pm every workday at the intersection of Rench and Sharpsburg Pike make it almost impossible to make a left-hand turn from Rench Road onto Sharpsburg Pike. Sharpsburg Pike has not been modified to handle an increase in traffic. Even if the builder modifies the pike to add a turn lane, that does nothing to improve the traffic flow further south. The Southern part of the county is experiencing rapid residential growth. The infrastructure, however, needs to be in place before the growth arrives, before more people get here.

Secondly, I am concerned about the capacity limits of the schools that would be serving these residents. Currently, Emma K. Doub Elementary, E. Russell Hicks Middle and South Hagerstown High are all over capacity. The county has been forced to resort to the use of Portables for classrooms. If the property were to be rezoned for residential, and Sharpsburg Pike Holdings, LLC would be permitted to build the 2 apartment buildings with a total of 105 apartments and 6 townhomes, the increase in families using the schools could potentially add 250-300 students to an already overburdened system. It would not be in the best interest of the students or the teachers to make the learning environment even

more stressful by adding more students to overcrowded schools.

Thirdly, as a resident of the Cross Creek neighborhood, I am concerned about the proximity of any new housing to our neighborhood property line. The developers of our neighborhood designed walking paths that border the neighborhood rather than sidewalks that would have been with in the neighborhood. The proposed apartment buildings would be feet away from the walking paths and near our homes. I have concerns about increases in foot traffic into our neighborhood, which could invite mischievousness and crime. We have seen increases in destruction of personal property and other attempted break-ins since the addition of the new Walmart. I predict that the addition of 2 multifamily structures in such proximity to our neighborhood would decrease both the quality of life and the real estate value of our homes.

I am thankful for the opportunity to express my opposition to this re-zoning petition. I respectfully ask that you strongly consider denying this petition until adequate support for the infrastructure can be attained and security concerns of the existing residents can be addressed.

Sincerely,  
Patricia Kay

Washington County Resident



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

## MEMORANDUM

TO: Planning Commission members  
FROM: Debra Eckard, Administrative Assistant  
DATE: September 21, 2021  
RE: RZ-21-005 – Sharpsburg Pike Holdings LLC

Attached are copies of public comments that we have received since the public information meeting that was held on August 30, 2021 for the map amendment for Sharpsburg Pike Holdings, LLC. All written comments have been made part of the official record, RZ-21-005.



**From:** John Musselman  
**To:** Planning Email  
**Subject:** RE: RZ-21-005  
**Date:** Monday, August 30, 2021 6:44:28 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Hello,

This in reference to RE:RZ-21-005.

I live on Bushwillow Way. My kids are older now but went to a high school ( South High ) that was extremely crowded. The Middle school was as well. I am Going off of memory of what was sent out a few months ago but I thing there was something like 400 units planned as well as 7 townhouses. It appears that the goal of the developer is to make as high a profit as possible with apartments. The town houses ( 1 block ) looks as though it was thrown in to say there would be single family houses. The concerns I have are mainly for the family's that might end up there. see below

1. Education for kids, the local schools are already beyond overcrowded. Is the county just going to bring in more trailers for the schools ?
2. Safety, potential for a lot of kids to end up out on sharpsburg Pike. The road is already over crowded.
3. Property values, Will there be a negative affect on the people already living here.
4. I cant stress enough about the overcrowding of our schools.

Sincerely,

John Musselman

/

**From:** [Stan and Sherry Michaleski](#)  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Wednesday, August 25, 2021 8:32:57 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I am asking that the proposed development off of Sharpsburg Pike be denied. The schools and traffic issues are already out of hand and this development will only exacerbate this; and furthermore it affect property values of Cross Creek.

**From:** DEBRA EBERSOLE  
**To:** Planning Email  
**Subject:** RZ 21-005  
**Date:** Thursday, August 26, 2021 8:32:37 AM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.  
Any claims of being a County official or employee should be disregarded.

I am the homeowner and resident of 10527 Bushwillow way.

I received notice of the meeting to discuss, among other things, adding over 100 apartments off Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

I am 100% opposed to this !!!

There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and now new Sheetz that just opened has already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area. I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area. You should spend some time observing the traffic in the area, and coming off of interstate 70, and then imagine adding 105 more apartments and their residents and cars to it.

How many of these apartments proposed will end up being subsidized housing? Do we need more apartments for the families of the prison inmates to move here? The area growing and adding apartments isn't attracting good families from other areas. People are living here that came from the larger cities. You see it in the newspaper articles about crimes in our area all the time. And our County just seems to be providing more and more places for those people to live.

Debbie Ebersole

**From:** [Ron Lutz](#)  
**To:** [Planning Email](#)  
**Subject:** apartments behind Aldi's  
**Date:** Thursday, August 26, 2021 12:10:23 PM

---

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.  
Any claims of being a County official or employee should be disregarded.

Planning Commission,

We are seventeen year residents in Cross Creek the development behind Aldi's . We are adamantly opposed to the two apartment buildings being considered behind Aldi's. I can only imagine what our neighborhood will be like with the addition of 3-400 new people. People rent apartments when they can't afford houses. Please vote no on this proposal.

Sincerely,

Ron & Mary Lutz

Sent from [Mail](#) for Windows

**From:** RICKELLE ABBOTT  
**To:** Planning Email  
**Subject:** RZ-21-005  
**Date:** Monday, August 30, 2021 10:31:44 AM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.  
Any claims of being a County official or employee should be disregarded.

In regards to the proposed mixed used residential and commercial planning at 10319 Sharpsburg Pike. Please take into consideration that the blasting from the construction sites have compromised the foundation and structures of residents near by. For example but not limited to, cracks in home ceilings, nails popping out of walls and concrete cracks. Us as home owners are responsible for these repairs. This type of property damage has happened with the past construction that was done at the near by location on Sharpsburg pike and will most likely happen again.

Thank you,

Rickelle Abbott  
10216 Bear Creek Dr.  
Hagerstown, MD 21740

Sent from my iPhone

**From:** [Shayla Jackson](#)  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Thursday, August 19, 2021 8:47:58 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I am writing to express my strong opposition to RZ-21-005, the proposed rezoning for Sharpsburg Pike Holdings, LLC. As a resident of the Cross Creek neighborhood, I am completely opposed to the addition of multi-family housing that will cause traffic and safety problems, create even more problems with schools that are already over-capacity, destroy local wildlife habitat, and potentially lower the property values of the existing community.

Traffic and safety of pedestrians are major areas of concern. Traffic jams in this area already span the distance of Sharpsburg Pike and the Sharpsburg Pike/Col Henry K Douglas Drive intersection during rush hour.

Schools in the area are already reported at capacity, and the council should not approve multi-family dwellings that creates or exacerbates a situation that will cause school concurrency to fail for this proposal and/or other approved plans.

Wildlife has been observed in the area, and any development will destroy their habitat. Any planned development of the property should consider the continuing impact to local wildlife habitat.

Property values are likely to go down in the area if multi-family apartments or condominiums are built. Multi family dwellings are inconsistent with the neighborhoods developed in the area.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails.

Best regards,  
Shayla Jackson  
Cross Creek Resident

**From:** Pat Kay  
**To:** Planning Email  
**Subject:** Proposed Zoning-MXC-Mixed Use Residential and Commercial Sharpsburg Pike  
**Date:** Monday, August 23, 2021 8:14:59 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Patricia Kay

10408 Bear Creek Drive

Hagerstown, MD 21740

8/19/2021

Washington County Planning Commission

100 West Washington Street Suite 2600

Hagerstown, MD 21740

Dear Sir/Maam:

I write this letter to express my opposition to a proposed amendment to change the present zoning of 10319 Sharpsburg Pike from HI to MXC.

I have several concerns about this proposal. My first concern is with the traffic. Traffic has increased significantly with the addition of the Walmart, Sheetz and Dunkin Donut. When the Walmart was built, for example, the residents were assured that traffic flow from Rench road would be redirected to a new road that would connect to Poffenberger Road. That has not happened and the traffic problems that occur at 4pm every workday at the intersection of Rench and Sharpsburg Pike make it almost impossible to make a left-hand turn from Rench Road onto Sharpsburg Pike. Sharpsburg Pike has not been modified to handle an increase in traffic. Even if the builder modifies the pike to add a turn lane, that does nothing to improve the traffic flow further south. The Southern part of the county is experiencing rapid residential growth. The infrastructure, however, needs to be in place before the growth arrives, before more people get here.

Secondly, I am concerned about the capacity limits of the schools that would be serving these residents. Currently, Emma K. Doub Elementary, E. Russell Hicks Middle and South Hagerstown High are all over capacity. The county has been forced to resort to the use of Portables for classrooms. If the property were to be rezoned for residential, and Sharpsburg Pike Holdings, LLC would be permitted to build the 2 apartment buildings with a total of 105 apartments and 6 townhomes, the increase in families using the schools could potentially add 250-300 students to an already overburdened system. It would not be in the best interest of the students or the teachers to make the learning environment even

more stressful by adding more students to overcrowded schools.

Thirdly, as a resident of the Cross Creek neighborhood, I am concerned about the proximity of any new housing to our neighborhood property line. The developers of our neighborhood designed walking paths that border the neighborhood rather than sidewalks that would have been within the neighborhood. The proposed apartment buildings would be feet away from the walking paths and near our homes. I have concerns about increases in foot traffic into our neighborhood, which could invite mischievousness and crime. We have seen increases in destruction of personal property and other attempted break-ins since the addition of the new Walmart. I predict that the addition of 2 multifamily structures in such proximity to our neighborhood would decrease both the quality of life and the real estate value of our homes.

I am thankful for the opportunity to express my opposition to this re-zoning petition. I respectfully ask that you strongly consider denying this petition until adequate support for the infrastructure can be attained and security concerns of the existing residents can be addressed.

Sincerely,  
Patricia Kay

Washington County Resident



**From:** [DEBRA EBERSOLE](#)  
**To:** [Planning Email](#)  
**Subject:** Re: RZ 21-005  
**Date:** Sunday, November 28, 2021 10:01:22 PM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.  
Any claims of being a County official or employee should be disregarded.

I received a notice of a meeting regarding the same rezoning request meeting I emailed my opposition to back in August. Since I'm not sure if this requires a new email to be part of the record I'm going to state my opposition again.

I am the homeowner and resident of 10527 Bushwillow way.

I received notice of the meeting to discuss, among other things, adding over 100 apartments office Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

I am 100% opposed to this!

There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and Sheetz stores have already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area, or the citizens who live there.

Debbie Ebersole

> On Aug 30, 2021, at 11:50 AM, Planning Email <askplanning@washco-md.net> wrote:

> Your comments have been received and will be made part of the official record. Thank you.

>

>

>

> Debra S. Eckard

> Administrative Assistant

> Washington County Dept. of Planning & Zoning

> 100 W. Washington Street, Suite 2600

> Hagerstown, MD 21740

> 240-313-2430

>

> \*\*In accordance with direction provided by the Governor's Office related to current COVID-19 events, I am working remotely indefinitely. Email correspondence is encouraged as phone messages may not be returned until our offices are reopened. I apologize for any inconvenience and assure you our Department is working diligently to continue the highest level of service possible during this pandemic event. Thank you\*\*

>

> -----Original Message-----

> From: DEBRA EBERSOLE <djwinst23@aol.com>

> Sent: Thursday, August 26, 2021 8:32 AM

> To: Planning Email <askplanning@washco-md.net>

> Subject: RZ 21-005

>

> WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

> Any claims of being a County official or employee should be disregarded.

>

> I am the homeowner and resident of 10527 Bushwillow way.

> I received notice of the meeting to discuss, among other things, adding over 100 apartments off Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

> I am 100% opposed to this !!!

> There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and now new Sheetz that just opened has already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

> I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area. You should spend some time observing the traffic in the area, and coming off of interstate 70, and then imagine adding 105 more apartments and their residents and cars to it.

>

> How many of these apartments proposed will end up being subsidized housing? Do we need more apartments for the families of the prison inmates to move here? The area growing and adding apartments isn't attracting good families from other areas. People are living here that came from the larger cities. You see it in the newspaper articles about crimes in our area all the time. And our County just seems to be providing more and more places for those people to live.

>

> Debbie Ebersole

**From:** [Hart, Krista](#)  
**To:** [Gary Hawbaker](#)  
**Cc:** [Planning Email; &County Commissioners](#)  
**Subject:** Re: RZ-21-005 Sharpsburg Pike  
**Date:** Friday, January 7, 2022 12:20:39 PM

---

Mr Hawbaker,

This email will serve to confirm receipt of your communication.

Thank you,  
Krista Hart  
County Clerk

On Jan 7, 2022, at 12:07 PM, Gary Hawbaker <g.hawbaker@myactv.net> wrote:

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Planning Commission and Commissioners,

This is to voice my opposition to the request to change 10319 Sharpsburg Pike from HI to MXC.

It was my understanding that one of the goals in zoning is to be consistent so that we don't get areas that have a wide use of different type's properties in a short distance. With that said it appeared that the County intended for Sharpsburg Pike between I-70 and Poffenberger Road is to be developed with non-residential properties.

I would urge all members of the Commission to drive from I-70 to Poffenberger Road and look what properties are there. Fast food, gas stations, grocery store, restaurants and of course the whole Walmart complex.

The county even extended Henry K. Douglas Drive so those type of properties could be developed. This road did open up our quiet Cross Creek Development

although my understanding is once the railroad approves crossing their tracks the county will extend the road so more residential properties can be built.

Cross Creek is a single home development and has been there for over 25 years with low crime and very little intrusion from non-residents. To change the intent of HI to MXC which would add apartments and townhomes doesn't seem logical. This would potentially have a negative effect on Cross Creek residents.

I'm also aware the schools that this complex would send children to are overcrowded and that is proven by looking at the buses that travel past my house every day that are completely full.

Once again I would ask you to take that small drive on Sharpsburg Pike and tell me that a housing complex in the middle of all the other non-residential housing makes sense. Thank You.

Gary Hawbaker  
10531 Bushwillow Drive  
Hagerstown, MD 21740

**From:** [DEBRA EBERSOLE](#)  
**To:** [Planning Email](#)  
**Subject:** RZ 21-005  
**Date:** Monday, February 7, 2022 3:19:47 PM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I received a notice of a meeting regarding the same rezoning request meeting I emailed my opposition to back in August. Since I'm not sure if this requires a new email to be part of the record I'm going to state my opposition again.

>

> I am the homeowner and resident of 10527 Bushwillow way.

> I received notice of another meeting to discuss adding the apartments Sharpening Pike between our development and the Aldi and Dunkin Donuts that have been added within the last few years.

> There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and Sheetz stores have already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding these apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

> I have watched my nice area turn into a mess over the years. This time my understanding is that the developer is trying to get around the school overcrowding issue by stating the apartments are adult only, with no way to verify that. Their solution is nothing more than empty words meant to get their desired result. Please deny this request!

>

> Debbie Ebersole

>

>

>> On Aug 30, 2021, at 11:50 AM, Planning Email <askplanning@washco-md.net> wrote:

>> Your comments have been received and will be made part of the official record. Thank you.

>>

>>

>>

>> Debra S. Eckard

>> Administrative Assistant

>> Washington County Dept. of Planning & Zoning

>> 100 W. Washington Street, Suite 2600

>> Hagerstown, MD 21740

>> 240-313-2430

>>

>> \*\*In accordance with direction provided by the Governor's Office related to current COVID-19 events, I am working remotely indefinitely. Email correspondence is encouraged as phone messages may not be returned until our offices are reopened. I apologize for any inconvenience and assure you our Department is working diligently to continue the highest level of service possible during this pandemic event. Thank you\*\*

>>

>> -----Original Message-----

>> From: DEBRA EBERSOLE <djwinst23@aol.com>

>> Sent: Thursday, August 26, 2021 8:32 AM

>> To: Planning Email <askplanning@washco-md.net>

>> Subject: RZ 21-005

>>

>> WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

>> Any claims of being a County official or employee should be disregarded.

>>

>> I am the homeowner and resident of 10527 Bushwillow way.

>> I received notice of the meeting to discuss, among other things, adding over 100 apartments off Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

>> I am 100% opposed to this !!!

>> There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and now new Sheetz that just opened has already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

>> I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area. You should spend some time observing the traffic in the area, and coming off of interstate 70, and then imagine adding 105 more apartments and their residents and cars to it.

>>

>> How many of these apartments proposed will end up being subsidized housing? Do we need more apartments for the families of the prison inmates to move here? The area growing and adding apartments isn't attracting good families from other areas. People are living here that came from the larger cities. You see it in the newspaper articles about crimes in our area all the time. And our County just seems to be providing more and more places for those people to live.

>>

>> Debbie Ebersole

>

**From:** [Dennis Weaver](#)  
**To:** [Planning Email](#)  
**Cc:** [&County Commissioners](#)  
**Subject:** RZ-21-005 - Rezoning of 9+ acres off Sharpsburg Pike  
**Date:** Tuesday, January 4, 2022 11:07:31 AM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Planning Commission:

I am writing to oppose rezoning request RZ-21-005, regarding property between the existing Cross Creek development and the Sharpsburg Pike.

I own and reside at 18404 Bull Run Drive, where my back yard abuts the property proposed for rezoning from HI to MXC, with a proposal for 105 apartments and a few townhomes. Even before the recent commercial development along Sharpsburg Pike (Walmart, Sheetz, Aldi) traffic in the area was horrendous. The addition of the traffic lights at Poffenberger Road and Col Douglas Drive have helped but the close proximity to the I-70 interchange exacerbates the problem. Additionally, the proposal calls for commercial development on the first floor of one of the two apartment buildings, adding that commercial traffic to the residential traffic increase.

The recent redesign of the I-70/Sharpsburg Pike interchange was poorly planned. One often sits through three traffic-light sequences when coming off I-70 East onto Sharpsburg Pike South. And it is extremely difficult to make a left-hand turn from Rench Road onto Sharpsburg Pike, particularly around the beginning and end of the work-day. Sharpsburg Pike is a main thoroughfare for workers from south county and from West Virginia headed to and from the Hagerstown area and the I-70 corridor. Adding this proposed dense residential development, bringing more than 200 additional resident vehicles to this section of the Sharpsburg Pike should not occur. Commercial development would bring more traffic as well, but it would presumably be spread over the course of the day rather than concentrated

In addition, as others have pointed out, schools serving this area are over capacity now, and the proposed development will make that problem worse. In addition to overcrowding in these schools, traffic into and out of South Hagerstown High, E. Russell Hicks and Emma K. Doub in the morning and afternoon is abysmal, with an extra lane needed in each direction on Sharpsburg Pike along that entire stretch. This proposed development would add to that problem as well.

I much prefer commercial development on the tract proposed for rezoning as would be allowed under the HI zoning. Give us office buildings, retail, etc, rather than multi-family residential that will definitely reduce our quality of life and our property values - particularly those of us whose properties border this tract.

I suspect that the developer is requesting this change because they are disappointed with the speed at which commercial development has occurred on their property after Walmart was built, but their desire to speed profits should not cost their neighbors.

Thank you for the opportunity to comment on this proposal. I respectfully request that you find the developer's request ill-advised and deny it. At the very least, the remainder of this property should be limited to residential only or commercial only, not a combination that doubles the impact.

Respectfully,  
Dennis Weaver  
18404 Bull Run Drive  
Hagerstown, MD 21740



**From:** [Shayla Jackson](#)  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Tuesday, January 4, 2022 7:15:50 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I am writing to express my strong opposition to RZ-21-005, the proposed rezoning for Sharpsburg Pike Holdings, LLC. As a resident of the Cross Creek neighborhood, I am completely opposed to the addition of multi-family housing that will cause traffic and safety problems, create even more problems with schools that are already over-capacity, destroy local wildlife habitat, and potentially lower the property values of the existing community.

Traffic and safety of pedestrians are major areas of concern. Traffic jams in this area already span the distance of Sharpsburg Pike and the Sharpsburg Pike/Col Henry K Douglas Drive intersection during rush hour.

Schools in the area are already reported at capacity, and the council should not approve multi-family dwellings that creates or exacerbates a situation that will cause school concurrency to fail for this proposal and/or other approved plans.

Wildlife has been observed in the area, and any development will destroy their habitat.

Any planned development of the property should consider the continuing impact to local wildlife habitat.

Property values are likely to go down in the area if multi-family apartments or condominiums are built. Multi family dwellings are inconsistent with the neighborhoods developed in the area.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails.

Best regards,  
Shayla Jackson  
Cross Creek Resident

**From:** [John Musselman](#)  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Friday, February 4, 2022 9:26:17 AM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

To whom it may concern,

Yet another hearing for this zoning change. I understand what the developer is trying to do and that is make money. I seem to remember reading that there was a law on the books . concerning student capacities at high schools. South High is way over crowded as it is. ANYBODY that has a student in that school in the last ten years knows this. There is already a development that is building like crazy and all those kids are going to be attending South. What will another 400- 600 kids do to South High?

Next Issue, small children. Where will they play? will they end up venturing out onto Sharpsburg Pike?? Will they reduce the speed limit on the Pike? If that is the answer what happens at the I 70 interchange? It is already backed up at prime times of the day.

I live in the cross creek development. I do not want this zoning changed. The kids in the Middle and high school system are going to be the ones that pay the price, If not a small child that wonders out onto the Pike at the wrong time.

Sincerely,

John Musselman

**From:** ANNAMARIE WISE  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Tuesday, November 30, 2021 10:29:54 AM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

As residents of the Cross Creek community, we wish to express our objections to the refining plan before the board today. This proposed development will be detrimental to our quality of life, bringing more traffic, noise/light/air pollution, overload our already maxed-out schools. Please vote "NO" and advise the developer to go elsewhere! Thank you!!

Annamarie Wise  
Kevin Wines

Sent from my iPhone

**From:** [Hart, Krista](#)  
**To:** [Gary Hawbaker](#)  
**Subject:** RE: New Housing Sharpsburg Pike  
**Date:** Monday, November 29, 2021 8:27:11 AM

---

Mr. Hawbaker,

Thank you for contacting the Washington County Board of County Commissioners Office.

This response will serve to confirm that your communication has been received and recorded regarding the upcoming public hearing for RZ-21-005.

Thank you,  
Krista I. Hart  
County Clerk

---

**From:** Gary Hawbaker <g.hawbaker@myactv.net>  
**Sent:** Sunday, November 28, 2021 9:57 PM  
**To:** &County Commissioners <contactcommissioners@washco-md.net>  
**Subject:** Fwd: New Housing Sharpsburg Pike

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.  
Any claims of being a County official or employee should be disregarded.

---

I don't know all the zoning numbers but my family is deeply opposed to the residential development on the east side of Sharpsburg Pike before Poffenberger Road. I live in the Cross Creek Development and for the last few years you have overwhelmed our area with retail development. Although it has caused many problems it's nothing like what a housing development would cause for our area.

I ask you to look at the area it is planned for and tell me where you see housing in that area off Sharpsburg Pike. You have truly made this a retail and commercial area and although I don't like it, it is better than putting what will end up being low income housing in that space. Our development has recently been subject to break-ins and this would only make it worse. Make it a fast food place but not housing. Thank you!

Gary Hawbaker  
10531 Bushwillow Way  
Hagerstown, MD



**From:** [DEBRA EBERSOLE](#)  
**To:** [Planning Email](#)  
**Subject:** Re: RZ 21-005  
**Date:** Sunday, November 28, 2021 10:01:22 PM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.  
Any claims of being a County official or employee should be disregarded.

I received a notice of a meeting regarding the same rezoning request meeting I emailed my opposition to back in August. Since I'm not sure if this requires a new email to be part of the record I'm going to state my opposition again.

I am the homeowner and resident of 10527 Bushwillow way.

I received notice of the meeting to discuss, among other things, adding over 100 apartments office Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

I am 100% opposed to this!

There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and Sheetz stores have already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area, or the citizens who live there.

Debbie Ebersole

> On Aug 30, 2021, at 11:50 AM, Planning Email <askplanning@washco-md.net> wrote:

> Your comments have been received and will be made part of the official record. Thank you.

>

>

>

> Debra S. Eckard

> Administrative Assistant

> Washington County Dept. of Planning & Zoning

> 100 W. Washington Street, Suite 2600

> Hagerstown, MD 21740

> 240-313-2430

>

> \*\*In accordance with direction provided by the Governor's Office related to current COVID-19 events, I am working remotely indefinitely. Email correspondence is encouraged as phone messages may not be returned until our offices are reopened. I apologize for any inconvenience and assure you our Department is working diligently to continue the highest level of service possible during this pandemic event. Thank you\*\*

>

> -----Original Message-----

> From: DEBRA EBERSOLE <djwinst23@aol.com>

> Sent: Thursday, August 26, 2021 8:32 AM

> To: Planning Email <askplanning@washco-md.net>

> Subject: RZ 21-005

>

> WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

> Any claims of being a County official or employee should be disregarded.

>

> I am the homeowner and resident of 10527 Bushwillow way.

> I received notice of the meeting to discuss, among other things, adding over 100 apartments off Sharpening Pike between our development and the Aldi and Dublin Donuts that have been added within the last few years.

> I am 100% opposed to this !!!

> There has already been so much added to this area within the last 5 years, not even including the Walmart that was added. Traffic is horrible already in this area of the Sharpsburg Pike. The Aldi and now new Sheetz that just opened has already increased traffic tremendously. It has become very dangerous to travel this area, and there are already additional homes being constructed off of Poffenberger Road, along with the villas by Walmart. The proposal of adding 105 apartments would add possibly an additional 200+ cars traveling daily in an already over-congested area.

> I have watched my nice area turn into a mess over the years. These builders are trying to use every square foot of property to make as much money as possible, without any concern for the area. You should spend some time observing the traffic in the area, and coming off of interstate 70, and then imagine adding 105 more apartments and their residents and cars to it.

>

> How many of these apartments proposed will end up being subsidized housing? Do we need more apartments for the families of the prison inmates to move here? The area growing and adding apartments isn't attracting good families from other areas. People are living here that came from the larger cities. You see it in the newspaper articles about crimes in our area all the time. And our County just seems to be providing more and more places for those people to live.

>

> Debbie Ebersole

**From:** [Shayla Jackson](#)  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Sunday, November 28, 2021 3:25:00 PM

---

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

I am writing to express my strong opposition to RZ-21-005, the proposed rezoning for Sharpsburg Pike Holdings, LLC. As a resident of the Cross Creek neighborhood, I am completely opposed to the addition of multi-family housing that will cause traffic and safety problems, create even more problems with schools that are already over-capacity, destroy local wildlife habitat, and potentially lower the property values of the existing community.

Traffic and safety of pedestrians are major areas of concern. Traffic jams in this area already span the distance of Sharpsburg Pike and the Sharpsburg Pike/Col Henry K Douglas Drive intersection during rush hour.

Schools in the area are already reported at capacity, and the council should not approve multi-family dwellings that creates or exacerbates a situation that will cause school concurrency to fail for this proposal and/or other approved plans.

Wildlife has been observed in the area, and any development will destroy their habitat.

Any planned development of the property should consider the continuing impact to local wildlife habitat.

Property values are likely to go down in the area if multi-family apartments or condominiums are built. Multi family dwellings are inconsistent with the neighborhoods developed in the area.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails.

Best regards,  
Shayla Jackson  
Cross Creek Resident



**From:** ANNAMARIE WISE  
**To:** [Planning Email](#)  
**Subject:** RZ-21-005  
**Date:** Tuesday, November 30, 2021 10:29:54 AM

---

WARNING!! This message originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

As residents of the Cross Creek community, we wish to express our objections to the refining plan before the board today. This proposed development will be detrimental to our quality of life, bringing more traffic, noise/light/air pollution, overload our already maxed-out schools. Please vote "NO" and advise the developer to go elsewhere! Thank you!!

Annamarie Wise  
Kevin Wines

Sent from my iPhone

**From:** [Public Relations](#)  
**To:** [Eckard, Debra S.](#)  
**Subject:** New Entry: Contact Us Form - Planning & Zoning  
**Date:** Monday, June 20, 2022 8:41:38 AM

---

**Name**

Ashley Rowe

**Address**

18517 Bull Run Dr  
Hagerstown, MD  
21740  
US

**Phone**

+12405666281

**Email**

[arowe1616@gmail.com](mailto:arowe1616@gmail.com)

**Please select the department you'd like to receive your comment or question**

Planning & Zoning

**Comment or Message**

Hello,

My name is Ashley and I live in the Cross Creek development. I am unable to attend the rezoning meeting on 6/28, but would like to respectfully oppose the plan to build apartments behind our neighborhood. We feel there is more harm than good for the neighborhood in building these, and feel they will cause negative impact to the neighborhood.

Thank you for your time,  
Ashley

**Would you like to subscribe to the county news email list?**

No

Sent from Washington County

**From:** Eckard, Debra S. on behalf of Planning Email  
**To:** Hart, Krista  
**Cc:** Priebe, Michelle L.  
**Subject:** FW: Sharpsburg project  
**Date:** Thursday, June 23, 2022 1:16:18 PM  
**Attachments:** image001.png

---

Public comment for RZ-21-005.



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

**From:** Stan and Sherry Michaleski <smichals@myactv.net>  
**Sent:** Thursday, June 23, 2022 12:14 PM  
**To:** Planning Email <askplanning@washco-md.net>  
**Subject:** Sharpsburg project

**WARNING!!** This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.  
Any claims of being a County official or employee should be disregarded.

I am asking that the proposed appeal of the development off of Sharpsburg Pike be denied. The schools and traffic issues are already out of hand and this development will only exacerbate this; and furthermore it will affect the property values of Cross Creek and surrounding area.

**Priebe, Michelle L.**

---

**From:** Eckard, Debra S. on behalf of Planning Email  
**Sent:** Friday, June 24, 2022 10:22 AM  
**To:** Hart, Krista  
**Cc:** Priebe, Michelle L.  
**Subject:** FW: Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Jennifer Dane <jenniferldane@gmail.com>  
**Sent:** Friday, June 24, 2022 9:51 AM  
**To:** Allen, Travis M. <tallen@washco-md.net>; Planning Email <askplanning@washco-md.net>; Baker, Jill <JBaker@washco-md.net>  
**Subject:** Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Dear Washington County Planning Commission,

My name is Jennifer Dane and I live at 18137 Alloway Ct Hagerstown, MD 21740. I am opposed to the upcoming Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005).

Although adjustments have been made to the proposal for age-restricted housing that would not affect the schools that are currently beyond capacity, I believe that housing, even the current estimated housing projections would negatively impact the traffic patterns, pollution, and environmental impacts of the area.

Traffic is a consistent issue that remains to be addressed on Sharpsburg Pike. As the Westfields area continues to develop and finish its planned community, we are seeing more and more traffic already and it has not been completed.

There is currently business space that is available to be developed without rezoning this land for mixed-use.

I do believe that subsidized housing is incredibly important, especially in Washington County; however, revitalization and renovation of current properties within Washington County must be the focus instead of creating new properties.  
Thank you for your consideration,

Jennifer Dane  
18137 Alloway Ct  
Hagerstown, MD 21740

**Priebe, Michelle L.**

---

**From:** Eckard, Debra S. on behalf of Planning Email  
**Sent:** Friday, June 24, 2022 10:22 AM  
**To:** Hart, Krista  
**Cc:** Priebe, Michelle L.  
**Subject:** FW: Rezoning Land Along Sharpsburg Pike



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Brian <bangely@gmail.com>  
**Sent:** Friday, June 24, 2022 9:24 AM  
**To:** Planning Email <askplanning@washco-md.net>  
**Subject:** Rezoning Land Along Sharpsburg Pike

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Hello,

I'm a homeowner in the Cross Creek neighborhood off of Sharpsburg Pike and I understand a developer is once again trying to get approval to build multi-unit homes along Sharpsburg Pike in front of our neighborhood.

I'd like to submit this email as my opposition to giving this individual (or anyone else) approval to do this.

I'm out of town and cannot make it to the meeting to oppose in person so please accept my email as record.

Thank you,  
Brian Angely  
18632 Wilderness Way, Hagerstown, MD 21740  
757-343-8816

**Priebe, Michelle L.**

---

**From:** Eckard, Debra S.  
**Sent:** Monday, June 27, 2022 9:04 AM  
**To:** Hart, Krista  
**Cc:** Priebe, Michelle L.  
**Subject:** FW: SUBJECT: Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Eckard, Debra S. **On Behalf Of** Planning Email  
**Sent:** Monday, June 27, 2022 9:02 AM  
**To:** erik shy <erik.shy@gmail.com>  
**Subject:** RE: SUBJECT: Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)

This e-mail will acknowledge receipt of your comments which will be made part of the public hearing and have been forwarded to the County Commissioners for their consideration.



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** erik shy <[erik.shy@gmail.com](mailto:erik.shy@gmail.com)>  
**Sent:** Friday, June 24, 2022 12:45 PM  
**To:** Allen, Travis M. <[tallen@washco-md.net](mailto:tallen@washco-md.net)>; Planning Email <[askplanning@washco-md.net](mailto:askplanning@washco-md.net)>; Baker, Jill <[JBaker@washco-md.net](mailto:JBaker@washco-md.net)>  
**Subject:** SUBJECT: Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)



WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Dear Washington County Planning Commission,

My name is Erik Shy and I live at 18430 Wissett Way, Hagerstown, MD 21740. I am opposed to the upcoming Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005) effort.

I have children at two of the three impacted schools (RWE, ERH) and those schools are already at capacity. In addition as a homeowner I am worried about home value and the current infrastructure capability of our road and utilities to absorb an additional community development without having a negative impact.

Your time and consideration is greatly appreciated.

Thank you,

Erik Shy  
18430 Wissett Way  
Hagerstown, MD 21740  
443-852-1865

**Priebe, Michelle L.**

---

**From:** Eckard, Debra S.  
**Sent:** Monday, June 27, 2022 9:04 AM  
**To:** Hart, Krista  
**Cc:** Priebe, Michelle L.  
**Subject:** FW: Public Hearing for RZ-21-005



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Eckard, Debra S. **On Behalf Of** Planning Email  
**Sent:** Monday, June 27, 2022 9:02 AM  
**To:** Susan L S Smith <[susanlss1956@gmail.com](mailto:susanlss1956@gmail.com)>  
**Subject:** RE: Public Hearing for RZ-21-005

This e-mail will acknowledge receipt of your comments which will be made part of the public hearing and have been forwarded to the County Commissioners for their consideration.



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Susan L S Smith <[susanlss1956@gmail.com](mailto:susanlss1956@gmail.com)>  
**Sent:** Friday, June 24, 2022 5:18 PM  
**To:** Planning Email <[askplanning@washco-md.net](mailto:askplanning@washco-md.net)>  
**Subject:** Public Hearing for RZ-21-005

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

To the planning Committee

I oppose the approval of this development (apartments) due to many factors. Even though it will not affect our schools, being an age restricted development, it will affect our roads, and property values. Sharpsburg Pike and surrounding roads are not adequate to carry the traffic we now have, plus there are already approved developments in the area that have not been completed.

This is not a good fit for this area and will only bring problems. Please listen to the people who live in the area and do not approve this rezoning application.

Thank you,  
Susan L S Smith  
18222 Thornhill Dr  
Hagerstown, MD 21740

**Priebe, Michelle L.**

---

**From:** Eckard, Debra S.  
**Sent:** Monday, June 27, 2022 9:05 AM  
**To:** Hart, Krista  
**Cc:** Priebe, Michelle L.  
**Subject:** FW: Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Eckard, Debra S. **On Behalf Of** Planning Email  
**Sent:** Monday, June 27, 2022 9:02 AM  
**To:** Crystal Nasvaderani <[cnasvaderani@yahoo.com](mailto:cnasvaderani@yahoo.com)>  
**Subject:** RE: Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)

This e-mail will acknowledge receipt of your comments which will be made part of the public hearing and have been forwarded to the County Commissioners for their consideration.



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Crystal Nasvaderani <[cnasvaderani@yahoo.com](mailto:cnasvaderani@yahoo.com)>  
**Sent:** Friday, June 24, 2022 10:26 PM  
**To:** Allen, Travis M. <[tallen@washco-md.net](mailto:tallen@washco-md.net)>; Baker, Jill <[JBaker@washco-md.net](mailto:JBaker@washco-md.net)>; Planning Email <[askplanning@washco-md.net](mailto:askplanning@washco-md.net)>  
**Subject:** Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)



WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Dear Washington County Planning Commission,

My name is Crystal Nasvaderani and I and my family currently live at 9362 Drumman Drive Hagerstown Md 21740 and are having a larger home be built in Westfields, I am STRONGLY opposed of the upcoming Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)

If this were to take place this will very much so negatively affect every single person living here. We currently have overflowing traffic volume that would only be much much worse not to mention the overcrowding of schools that is already a big issue, this would also have a negative impact with higher crime rate which is proven facts when you bring low income housing in, which is one of the reasons we moved here (voted number one planned community in Hagerstown) this will not be the case if this is passed and put in place. I understand people need places to live but there are so many other areas in Hagerstown that this can be done without the negative impacts this would have on our community. This would also very much so have a negative effect on our property values that we worked very hard for our home and to live here and don't want to see destroyed all because someone seeing dollar signs and making a profit at our expense not thinking of the people who live here and will be forced to have to deal with the outcome if this were to get passed

Thank you,  
Crystal Nasvaderani  
9362 Drumman Drive Hagerstown Md 21740  
2404407155

**Priebe, Michelle L.**

---

**From:** Eckard, Debra S.  
**Sent:** Monday, June 27, 2022 9:05 AM  
**To:** Hart, Krista  
**Cc:** Priebe, Michelle L.  
**Subject:** FW: Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Eckard, Debra S. **On Behalf Of** Planning Email  
**Sent:** Monday, June 27, 2022 9:02 AM  
**To:** Brie Brown <mzbrown06@gmail.com>  
**Subject:** RE: Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)

This e-mail will acknowledge receipt of your comments which will be made part of the public hearing and have been forwarded to the County Commissioners for their consideration.



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Brie Brown <[mzbrown06@gmail.com](mailto:mzbrown06@gmail.com)>  
**Sent:** Saturday, June 25, 2022 11:12 PM  
**To:** Planning Email <[askplanning@washco-md.net](mailto:askplanning@washco-md.net)>; Baker, Jill <[JBaker@washco-md.net](mailto:JBaker@washco-md.net)>; Allen, Travis M. <[tallen@washco-md.net](mailto:tallen@washco-md.net)>  
**Subject:** Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005)

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Dear Washington County Planning Commission,

My name is Brie Brown and I live at 18407 Roslin Place. I am opposed of the upcoming Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005).

I travel Sharpsburg Pike every day for work, dropping my daughter off at school (EKD) and for most of our errands. Traffic can already be pretty bad and I feel that apartments will only make it worse. Another reason is that we want the area to be kept up so everyone's property values will be ok. From what I've heard, the man requesting to build these apartments/townhouses is not the best property manager and allows properties to become rundown.

Thank you,

Brie Brown

301-514-9255

18407 Roslin Place

Hagerstown, MD 21740

**Priebe, Michelle L.**

---

**From:** Eckard, Debra S.  
**Sent:** Monday, June 27, 2022 9:05 AM  
**To:** Hart, Krista  
**Cc:** Priebe, Michelle L.  
**Subject:** FW: Opposed rezoning



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Eckard, Debra S. **On Behalf Of** Planning Email  
**Sent:** Monday, June 27, 2022 9:01 AM  
**To:** Whitney M <[whitney.morin18@gmail.com](mailto:whitney.morin18@gmail.com)>  
**Subject:** RE: Opposed rezoning

This e-mail will acknowledge receipt of your comments which will be made part of the public hearing and have been forwarded to the County Commissioners for their consideration.



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Whitney M <[whitney.morin18@gmail.com](mailto:whitney.morin18@gmail.com)>  
**Sent:** Sunday, June 26, 2022 7:58 AM  
**To:** Planning Email <[askplanning@washco-md.net](mailto:askplanning@washco-md.net)>  
**Subject:** Opposed rezoning



WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

Dear Washington County Planning Commission,

My name is Whitney Morin and I live at 18316 Petworth Circle. I am opposed of the upcoming Sharpsburg Pike Holdings LLC Rezoning (RZ-21-005). I am concerned of the school capacity that is already over populated within the area. Thank you.

Thank you,

Whitney

**Priebe, Michelle L.**

---

**From:** Eckard, Debra S.  
**Sent:** Monday, June 27, 2022 9:05 AM  
**To:** Hart, Krista  
**Cc:** Priebe, Michelle L.  
**Subject:** FW: Stop the development



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Eckard, Debra S. **On Behalf Of** Planning Email  
**Sent:** Monday, June 27, 2022 9:01 AM  
**To:** Kasey DeGrange <kaseydegrange@gmail.com>  
**Subject:** RE: Stop the development

This e-mail will acknowledge receipt of your comments which will be made part of the public hearing and have been forwarded to the County Commissioners for their consideration.



Debra S. Eckard  
Administrative Assistant  
Washington County Dept. of Planning & Zoning  
747 Northern Avenue  
Hagerstown, MD 21742  
240-313-2430

---

**From:** Kasey DeGrange <[kaseydegrange@gmail.com](mailto:kaseydegrange@gmail.com)>  
**Sent:** Sunday, June 26, 2022 5:09 PM  
**To:** Planning Email <[askplanning@washco-md.net](mailto:askplanning@washco-md.net)>  
**Subject:** Stop the development

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregarded.

To whom it may concern,

I am writing to share my concerns with you about developing along sharpshurg pipe. It should not be approved, especially with the over crowded schools and busy roadways. The owner should be help responsible for fixing the houses up and bringing them to code. It's so sad to see the house left to rott. If a resident doesn't cut thier grass before it's to long they get a notice. This should go for shoal as well!! Stop the development and start remodeling those houses that were once a loving home!

Thanks

Kasey

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
October 4, 2021**

The Washington County Planning Commission held its regular monthly meeting on Monday, October 4, 2021 at 7:00 p.m. in the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Planning Commission members present were: Clint Wiley, Denny Reeder, Jeff Semler, David Kline and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Comprehensive Planner; Wyatt Stitley, Comprehensive Planner; Lisa Kelly, Senior Planner; Scott Stotelmyer, Planner; and Debra Eckard, Administrative Assistant; and Washington County Division of Engineering: Rebecca Calimer, Chief of Plan Review.

**CALL TO ORDER**

The Chairman called the meeting to order at 7:00 p.m.

**MINUTES**

**Motion and Vote:** Mr. Reeder made a motion to approve the minutes of the August 16, 2021 Planning Commission workshop meeting as presented. The motion was seconded by Mr. Kline and unanimously approved.

**Motion and Vote:** Mr. Kline made a motion to approve the minutes of the August 30, 2021 Planning Commission regular meeting as presented. The motion was seconded by Mr. Semler and unanimously approved.

**OLD BUSINESS**

**Sharpsburg Pike Holdings, LLC [RZ-21-005]**

Mr. Allen reminded members that a public rezoning information meeting was held on August 30, 2021 for a map amendment request for 9.92 acres of property located at 10319 Sharpsburg Pike. The applicant is requesting to establish a new MXC (Mixed Use Residential and Commercial) floating zone atop the existing HI (Highway Interchange) base zoning. Areas of concern cited during the public rezoning meeting were the potential for future availability of public water related to the City of Hagerstown's Medium Growth Range Area and capacity in the South Hagerstown High School district. Public comments during the meeting focused on traffic impacts and circulation patterns. All verbal and written comments submitted to date have been opposed to the rezoning request.

During the public meeting, the matter of adequate public facilities concerns were discussed and the question was raised when these concerns should be addressed – during the rezoning phase or during the site plan phase. The applicant's attorney cited case law (James Cremins, et. al. v. County Commissioners of Washington County, Maryland et al.) from the Maryland Court of Special Appeals that says that adequate public facilities issues do not need to be addressed at the rezoning stage unless the issues are "highly unsolvable". Members asked staff to contact the County Attorney's office for their input on this matter. A copy of the written opinion was provided to the members prior to the meeting. Ms. Baker clarified that the APFO requirements are dealt with during the development phase of a project. However, when reviewing a rezoning application, County staff are required to look at the infrastructure and whether the current infrastructure can handle the development in accordance with the plans submitted with the rezoning application. This review includes a determination of whether the impacts of the development on existing infrastructure are "highly solvable" through potential improvements. In this particular case, the submitted plans showed a significant impact to public school capacity, however, the applicant did not include information that would lead Staff to believe that the impacts were highly solvable. Ms. Baker noted that the applicant did suggest, during the public meeting, that the residential units could be age-restricted; however, this was not part of the original application.

In conclusion, the written opinion of the County Attorney's office states, "If the infrastructure is clearly and wholly insufficient, and is not likely to be able to be improved to a point of adequacy, that is, if the infrastructure issues are 'highly unsolvable', then the Planning Commission should recognize the circumstance and take it into consideration when it renders its recommendation on the rezoning."

Ms. Baker then spoke to the issue of the availability of public water for the development. She stated that while public water is currently in the vicinity of the property and is currently available (according to the City of Hagerstown) that the City has also asked the County to evaluate the long-term impacts of new

development requests on the overall public water capacity. She noted that this particular property is located within the Urban Growth Area and the City designated Medium Range Growth Area making it a candidate for public water. However, in the City's long term growth analysis, this property is modeled for a smaller number of equivalent dwelling units (EDUs) under the current zoning than would be permitted under the proposed zoning. This creates an imbalance in the model that the City has asked the County to be cognizant of for long term planning purposes. Including this information in the Staff report was intended to notify members of the potential impacts of increasing density on this property.

**Discussion and Comments:** Mr. Kline expressed his opinion that this area should be expected to be busy because it is at an intersection along a busy interstate. He believes there are traffic issues that could be resolved now. As for the availability of water, Mr. Kline stated that is an issue for the City of Hagerstown. He does not believe the developer can solve this problem on his own. Of utmost concern is the school capacity issues, which affect not only this developer but any developer that wants to build in this school district. Mr. Kline believes this issue is highly unsolvable and he could not support the rezoning request because the infrastructure cannot support the development. Mr. Kline is not opposed to the concept and believes that the proposed apartments are needed due to the number of warehouses coming to the County and the number of jobs they will create.

Commissioner Wagner asked staff to elaborate on the water issue. Ms. Baker stated there is water available and there is currently enough capacity. However, there is a limited water supply and any changes that are made to the County's zoning or growth areas will impact the long-term water ability of the City. The City has asked the County to acknowledge the issue and work with them on a Medium Range Growth Area plan. A plan has been developed where the City and County have agreed on areas in which to prioritize water service. This specific property is in a prioritized area, but not at the density the developer is requesting. If the property is rezoned, the additional water above and beyond what is available for the current zoning, the prioritized areas will need to be shifted in order to accommodate this request.

Mr. Reeder concurred with Mr. Kline's comments.

**Motion and Vote:** Mr. Kline made a motion to recommend denial of the rezoning request based on the inadequacy of school facilities in this area. The motion was seconded by Mr. Reeder and unanimously approved with Commissioner Wagner abstaining from the vote.

## **NEW BUSINESS**

### **SITE PLANS**

#### **McKee Solar Energy Generating System [SP-21-012]**

Ms. Kelly presented for review and approval a site plan for the McKee Solar Energy Generating System located north of Hollow Road and south of Weller Road near Hancock. The property is currently zoned EC (Environmental Conservation). The developer is proposing a two megawatt Solar Energy Generating System on a 10-acre leased parcel that will be surrounded by an 8 foot security fence and utilize a lockable gate for access. Access will be via a 40 foot ingress easement connected to Hollow Road. The developer has a lease agreement with the owner for 20 years with two 10 year extensions for a possible total of 40 years. The site is designed so that everything can be removed upon lease termination. A PV switchboard and transformer pad will also be on-site. The Board of Zoning Appeals granted a special exception for the establishment of a solar field on December 30, 2020. Forest Conservation requirements will be met by retaining 1.75 acres of existing forest on-site. All agency approvals have been received.

Ms. Baker added that the developer does not need approval from the Public Service Commission because the proposed SEGS is only two megawatts. Therefore, a certificate of public necessity is not required. She clarified that the zoning and public comments were handled during the Board of Zoning Appeals process; no public comments were received.

**Motion and Vote:** Mr. Reeder made a motion to approve the site plan as presented. The motion was seconded by Mr. Semler and unanimously approved with Mr. Kline abstaining from the vote.

#### **Gateway Business Park [SP-21-010]**

Ms. Kelly presented for review and approval a site plan for Gateway Business Park located at the northwest corner of Arnett Drive and Supercenter Drive west of the Sharpsburg Pike. The property is currently zoned HI (Highway Interchange). The developer is proposing to construct two warehouses with offices totaling 80,000 square feet, commercial retail space totaling 9,800 square feet, and a fast food restaurant totaling 2,550 square feet. There will be multiple access points from Arnett Drive and

Supercenter and Bentonville Drives. Public water and public sewer will serve the site. Hours of operation will be 24 hours per day, 7 days per week. The proposed commercial space will be open 8 am to 9 pm, Sunday thru Saturday. The restaurant will be open 7 days per week, 24 hours per day. Total employees for all buildings will be 68. Deliveries will be daily to several times per week. All buildings will have mounted lights and pole lights in the parking area. Parking spaces required is 142 spaces; 323 spaces will be provided. All buildings will have mounted signs with one 25 foot by 6 foot pylon sign. Landscaping will be located throughout the parking lot and along Arnett Drive. Forest conservation requirements were partially met with the development of adjacent businesses. A remaining payment-in-lieu in the amount of \$5,619.24 will be required. All agency approvals have been received.

**Motion and Vote:** Commissioner Wagner made a motion to approve the site plan as presented. The motion was seconded by Mr. Kline and unanimously approved.

**Fix 'N Go Truck Repair – Nursery Road [SP-21-008]**

Mr. Stotemyer presented for review and approval a site plan for Fix 'N Go Truck Repair located at 16925 Bentwood Drive. The property is currently zoned HI (Highway Interchange). The developer is proposing to construct a 21,500 square foot facility for tractor trailer repairs. There will be one access point to the site from Bentwood Drive. Required parking is 25 spaces; 25 spaces will be provided. On-site well and private septic will serve the site. Hours of operation will be Monday thru Friday, 9 am to 5 pm. Lighting will be building mounted, full shielded. There will be no signage. Forest Conservation requirements will be met by retaining 2.73 acres of on-site forest, including an existing area that screens the neighboring residential properties. All agency approvals have been received.

**Motion and Vote:** Mr. Reeder made a motion to approve the site plan as presented. The motion was seconded by Mr. Semler and unanimously approved.

**Walgreens [SP-21-016]**

Mr. Stotemyer presented for review and approval a site plan for Walgreens located at 13415 Pennsylvania Avenue. The property is currently zoned BG (Business General). The developer is proposing a new 2,558 square foot building for a pharmacy, replacing the existing structure. There will be one access from Pennsylvania Avenue. Required parking is 13 spaces; 24 spaces will be provided. Hours of operation will be 7 days per week, 9 am to 10 pm. Lighting will be pole and building mounted. Signage will be building mounted and pole mounted. The pole mounted sign is existing and will be refaced. All agency approvals have been received.

**Motion and Vote:** Mr. Semler made a motion to approve the site plan as presented. The motion was seconded by Mr. Kline and unanimously approved.

**FOREST CONSERVATION**

**Fix N' Go Truck Repair – Lappans [SP-21-003]**

Mr. Allen presented for review and approval a request to remove one (1) specimen tree from property located at 16001 Lappans Road. Specimen trees are prioritized for retention under Section 8 of the Forest Conservation Ordinance (FCO) ; therefore, a variance for removal is required under Article 15 of the FCO. The applicant must demonstrate the conditions of hardship that exist to warrant removal of the specimen trees and show that their removal would not adversely affect water quality. According to the applicant's justification letter, the specimen tree cannot remain because access to the site cannot be adjusted due to constraints of stormwater management and the septic area.

**Motion and Vote:** Mr. Kline made a motion to approve the request as presented. The motion was seconded by Mr. Semler and unanimously approved.

**Trammell Crow – Downsville Pike [GP-21-016]**

Mr. Allen presented for review and approval a request to remove five (5) specimen trees from property located along the north side of Sterling Road, south of the I-70 interchange. Nearly all of the site will be developed and the site design cannot be adjusted to accommodate retention of these trees. The developer is proposing on-site planting along the eastern portion of the site to mitigate a portion of the forest being removed and off-site retention of a 78 acre easement at the Potomac Fish and Game Club to meet Forest Conservation Ordinance requirements.

**Motion and Vote:** Mr. Kline made a motion to approve the request as presented. The motion was seconded by Mr. Semler and unanimously approved.

## **OTHER BUSINESS**

### **Update of Staff Approvals**

Ms. Calimer explained that the written report sent to members has been revised per discussions during last month's meeting. The report will now reflect the previous month's activities. A written report was sent to the Commission members in the agenda packet.

### **Announcement**

Ms. Baker announced that the Board of County Commissioners have made some organizational changes involving four departments. The Division of Plan Review & Permitting is being eliminated and the employees within that Division are being moved into other departments: the Department of Planning & Zoning (will receive 5 staff members); the Division of Engineering (will receive 3 staff members); and the Division of Permitting and Inspections (will receive the remaining staff members). This change became effective today.

### **Comprehensive Plan Update**

Ms. Baker began a review and discussion of Chapter 10 (Community Facilities).

**Discussion:** There was a brief discussion regarding school capacity issues. Ms. Baker stated that school capacity is currently being evaluated at all schools – elementary thru high schools. Staff is developing fact sheets for each school which will include projected enrollment growth. Currently, South Hagerstown High School is at 120% state-rated capacity, North Hagerstown High School at 100%, Williamsport High School at 85 to 87%, Clear Spring High School at 70%, Smithsburg and Boonsboro High Schools at 80%. When these evaluations are completed, staff is planning to meet with the Board of Education to discuss possible solutions and/or redistricting plans.

Mr. Wiley suggested changes in the Community Communication Facilities section as follows: under Services Offered (2<sup>nd</sup> paragraph) remove the reference to DSL connections; add "fixed" to wireless; add a reference to cable/co-axil services; (last paragraph) either mention there is more than one gigabit provider in the county or eliminate the reference altogether. Under Other Museums and Cultural Facilities section: add the number of museums in Washington County.

Ms. Baker then discussed Chapter 11 (Historic Resources). As part of our input meetings at the beginning of the Comp Plan process, many comments were received regarding historic resources. There was a brief discussion regarding Demolition by Neglect. Ms. Baker stated that the Implementation Plan will address some of these issues. Commissioner Wagner stated that a Workshop is proposed with the Historic District Commission, Historic Advisory Committee and the Board of County Commissioners.

The next chapters we will review and discuss the Agriculture and Forestry Resources (Chapter 12), Sensitive Areas (Chapter 13), and Mineral Resources (Chapter 14). These chapters were sent to the members in the agenda packets.


### **UPCOMING MEETINGS**

1. Monday, November 1, 2021, 7:00 p.m. – Washington County Planning Commission regular meeting

### **ADJOURNMENT**

Mr. Kline made a motion to adjourn the meeting at 8:15 p.m. The motion was seconded by Commissioner Wagner and so ordered by the Chairman.

Respectfully submitted,

  
Clint Wiley, Chairman



**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
August 30, 2021**

The Washington County Planning Commission held its regular monthly meeting on Monday, August 30, 2021 at 7:00 p.m. in the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Planning Commission members present were: Clint Wiley, Robert Goetz, Denny Reeder, Jeff Semler, Jeremiah Weddle and David Kline. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Travis Allen, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting: Rebecca Calimer, Chief of Plan Review; Lisa Kelly, Senior Planner; and Scott Stotlemeyer, Planner.

**CALL TO ORDER**

The Chairman called the meeting to order at 7:00 p.m.

**PUBLIC REZONING INFORMATION MEETING**

**Staff Presentation**

Mr. Allen presented a map amendment application submitted by Sharpsburg Pike Holdings LLC for 9.92 acres of property located at 10319 Sharpsburg Pike, between Col. Henry K. Douglas Drive and Poffenberger Road, approximately 1/3 mile south of the I-70 interchange. The applicant is requesting to apply the Mixed Use Commercial (MXC) floating zone over the current Highway Interchange (HI) zoning district. Mr. Allen briefly reviewed the purpose and criteria of the MXC district as described in Article 16 of the Washington County Zoning Ordinance. He noted that specific conditions must be met before a floating zone can be approved for an existing piece of land, such as: location, utilities and compliance with the Adequate Public Facilities Ordinance (APFO).

Mr. Allen reviewed the permitted uses and densities allowed in the MXC zoning district. It was noted that two types of multi-family residential units (25 dwelling units or 15% of the entire development) are required. Up to 70% of the development may be commercial uses in an HI district and a minimum of 5% open space is required, not including the forest conservation area. Twelve dwelling units per acre are permitted in the proposed mixed use zoning district. Mr. Allen stated that the mixed use development should contain a comprehensive and cohesive pathway system for pedestrians and non-motorized forms of transportation and all commercial uses should be primarily, but not exclusively, designed to serve the residents of the development.

Mr. Allen stated that the design of the concept plan meets the minimum requirements of the proposed district. It was noted that of the 111 dwelling units proposed, 105 (or 95%) are intended to be apartment units, with only 6 townhouse units proposed. Therefore, the variety of housing choices would be very limited. Mr. Allen also noted that only 6,000 sq. ft. (or 1.4%) of commercial space is proposed. Open space appears to be very minimal and does not exceed the 5% minimum that is required. Staff believes that changes could be made to the plan to meet the true intent of the MXC district.

Also of concern is the adequacy of public facilities. Schools serving this development would be Rockland Woods Elementary, E. Russell Hicks Middle and South Hagerstown High schools. Each of these schools already exceed the State Rated Capacity (SRC). When current capacity exceeds 120% of the SRC (which is the case with South Hagerstown High), the project is not eligible to use the Alternate Mitigation Contribution (AMC) to mitigate for school capacity impacts. Projects that cause the affected school district to exceed 120% of the SRC must be negotiated with the Board of County Commissioners in consultation with the Board of Education. According to the Washington County Public Schools Educational Facilities Master Plan, released in June 2021, South Hagerstown High School "is projected to remain over capacity for the foreseeable future" and explicitly states that "WCPS does not currently anticipate the ability to add a comprehensive high school in the next ten years". There are no known remedies at this time.

Another concern includes the availability of public water for the site. This site is already connected to the City of Hagerstown's water system, falls within the City of Hagerstown's Medium Range Growth Area (MRGA), and has a pre-annexation agreement with the City. However, the ability of the City to provide water service to this site is based upon growth assumptions that utilize existing zoning classifications. The rezoning of this property for a more intensive land use is a variable that was not accounted for when the City developed its growth model.



Staff believes that at some point in the future, a mixed use development would be appropriate at this location. However, the timing of this project is a concern due to inadequate public facilities to serve the proposed development. Written comments from neighboring property owners have been received by staff citing concerns regarding traffic, school capacity and water and sewer services.

**Discussion and Comments:** Mr. Kline asked if there were other developments in the area that are anticipating additional growth that would affect school capacity. Ms. Baker stated there are several residential developments, including Westfields and Claggett's Mill as well as Hager's Crossing in the City of Hagerstown, being developed; however, these developments are already included in the estimates for school capacity.

#### **Applicant's Presentation**

Mr. Zachary Kieffer, 19405 Emerald Square, Suite 2100, Office 202, Hagerstown, legal counsel for the applicant and Mr. Trevor Frederick of Frederick, Seibert & Associates, 128 South Potomac Street, Hagerstown, engineer for the applicant, were present to represent the applicant at the meeting.

Mr. Kieffer stated that the concept plan meets all of the minimum requirements of the MXC zoning district by including two different types of multi-family dwelling units and a mixture of commercial/retail space. He addressed concerns that staff discussed in the Staff Report and Analysis. It was noted that a Traffic Impact Study (TIS) was approved in April 2020, which contemplated a hotel use which is a principally permitted use in the current HI zoning district. According to the TIS, changing the use from a proposed hotel to a mixed residential/commercial use decreases the number of trips generated. Ingress and egress would be from Col. Henry K. Douglas Drive via a private drive that connects buildings 1 and 2 and provides another means of access to the property. There will be a full motion, signaled intersection which will be paid for by the developer. Other road improvements that were recommended in the 2020 TIS, including road widening, an accel/decel lane, and a median on Sharpsburg Pike are also proposed.

Mr. Kieffer stated that the developer has signed a pre-annexation agreement with the City of Hagerstown for water service to this site and sewer allocation has already been purchased. The developer realizes that services cannot be guaranteed until final plat approval; however, the City has raised no objections to the concept plan thus far. Addressing the APFO school capacity issue, Mr. Kieffer cited case law from the Maryland Court of Special Appeals that says that adequate public facilities for school capacity shall be addressed during the final site plan approval process, not during the zoning approval process. He noted that the developer is willing to address this issue and has suggested that the apartments could be age-restricted. Mr. Kieffer discussed the open space area, which the engineers believe will exceed the minimum 5% requirement.

In conclusion, Mr. Kieffer briefly reviewed some of the permitted uses allowed under the current HI zoning district, such as hotels, retail, biological hospitals, laboratories, etc. He believes that these uses would have a greater impact on traffic and water and sewer facilities than the applicant's proposed mixed uses.

**Discussion and Comments:** Mr. Kline asked, if the rezoning is approved, when a site plan would be submitted. Mr. Frederick stated that it would take approximately 9 to 12 months to submit a site plan for approval because a State Highway Administration permit would need to be obtained for road improvements first.

Mr. Kline stated he is not opposed to the mixed use and believes that the apartments would provide a less expensive housing option for people who can't afford to own a house. He expressed his opinion that any developer within the South Hagerstown High School district would face the problem of school capacity issues. However, he questioned if school capacity issues could be solved within a year.

#### **Public Comment**

- Mary Shipway, 18519 Nathan Court, Hagerstown – Ms. Shipway expressed concern regarding traffic issues on Sharpsburg Pike and Poffenberger Road. She believes there are other places around the County that have been abandoned that could be rehabilitated and used for this type of development.
- Kurt Shipway, 18519 Nathan Court, Hagerstown – Mr. Shipway believes a new traffic study should be completed because there have been numerous changes and additional development in the area since the last traffic study. He noted that results may have also been affected by the pandemic and changes in people working from home instead of commuting every day. Mr. Shipway expressed concern regarding school capacity issues.

- Annemarie Wise, 10304 Cold Harbor Drive, Hagerstown – Ms. Wise expressed her opinion that the area has been developed commercially and should remain in HI zoning. She noted there is no buffer between the commercial development and the Cross Creek subdivision. Ms. Wise expressed concern regarding traffic issues and school capacity.
- Kevin Wines, 10304 Cold Harbor Drive, Hagerstown – Mr. Wines stated that traffic speeding on Col. Henry K. Douglas Drive to reach Poffenberger Road through the existing neighborhood is a safety concern. He is also concerned about the abandoned houses along Sharpsburg Pike which are not being maintained and are being occupied by the homeless.
- Jeff Bowers, 10401 Bear Creek Drive, Hagerstown – Mr. Bowers expressed his concern that the proposed apartments will be Section 8 housing. He believes that most of the people that live in this County are commuting to other areas for work, but live here because it is cheaper.
- Chris Omps, 18326 Rench Road, Hagerstown – Mr. Omps is very concerned about school capacity issues and also expressed concern regarding traffic issues. Mr. Omps expressed his opinion that we need to be proactive instead of reactive.
- Pat Kay, 10408 Bear Creek Drive, Hagerstown - Ms. Kay expressed her concern regarding traffic issues, buffering from the proposed development, and school capacity issues.

#### **Applicant's Rebuttal**

Mr. Frederick stated that the Traffic Impact Study was approved in April 2020 and is valid for a period of three (3) years. He noted that the Study includes a distribution analysis detailing where the traffic is coming from and where it is going. Regarding the 50 foot buffer, Mr. Frederick stated there is a 30 foot wide sanitary sewer easement that runs along the eastern and southern boundary lines, which is owned and maintained by Washington County for an 8" force main line. Therefore, no vegetation or structures are permitted within that easement. The additional 20-foot buffer prohibits any structures within it; therefore, all buildings are at least 50 feet from the property line as required. Most of the road improvements are developer driven and are paid for by the developers.

**Discussion and Comments:** Mr. Semler asked when the Traffic Impact Study counts were taken. Mr. Frederick stated that the counts were taken on May 29, 2019, prior to the pandemic. Ms. Calimer noted that the TIS accounted for background growth and a build-out date. Mr. Goetz expressed his opinion that traffic from a commercial use might go in a different direction than traffic from a residential use which would not compound traffic-related issues on Poffenberger Road.

Mr. Weddle expressed his opinion that a rezoning change should be a benefit to the community, not for the developer and asked how this would benefit the community. Mr. Kieffer stated it would increase the tax base for the County. People may work in other areas but they would be spending their money here where they live.

Mr. Kline expressed his concern with regard to the limited amount of open space area. Mr. Kieffer noted this would be addressed at the site plan stage.

The public rezoning meeting ended at 8:30 p.m.

#### **REGULAR MEETING**

##### **MINUTES**

**Motion and Vote:** Mr. Semler made a motion to approve the minutes of the August 2, 2021 Planning Commission regular meeting as presented. The motion was seconded by Mr. Reeder and unanimously approved.

##### **NEW BUSINESS**

##### **SITE PLANS**

##### **Royal Farms Store #387 [SP-20-019]**

Ms. Kelly presented for review and approval a site plan for Royal Farms Store #387 on 3 acres of property located at 11532 French Lane. The property is currently zoned HI (Highway Interchange). The developer is proposing to construct a convenience store approximately 4500 square feet in size with an outside eating area and 6 gas pumps. There will be two access points into the site from French Lane. Required parking is 54 spaces; 61 spaces will be provided. Public water and sewer will serve the site. Hours of operation will be 7 days per week, 24 hours per day. Six employees are projected. Freight and delivery will be on an as needed basis. Lighting will be building and pole mounted and there will be lighting on the

gas canopy. One pylon sign will be located along the front of the property and building mounted signs will be used. Landscaping will be in the bio-retention ponds adjacent to the building and along the southern property line. Forest conservation requirements will be met by a payment-in-lieu in the amount of \$9,408.96.

**Motion and Vote:** Mr. Kline made a motion to grant staff the authority to approve the site plan pending receipt of all agency approvals. The motion was seconded by Mr. Weddle and unanimously approved.

### **FOREST CONSERVATION**

#### **Royal Farms Store #387 [SP-20-019]**

Mr. Allen presented for review and approval a request to remove two (2) specimen trees from property located at 11532 French Lane. According to the applicant's justification statement, these trees (Norway Maples) are an invasive species and due to their shallow root system there is potential for run-off from the site. Removal of these trees would not adversely affect water quality.

**Motion and Vote:** Mr. Semler made a motion to approve the request as presented. The motion was seconded by Mr. Goetz and unanimously approved.

#### **Big Spring Solar LLC [SP-21-021]**

Mr. Allen presented for review and approval a request for off-site forest mitigation for Big Spring Solar located at 11505 Ashton Road. This site plan is a modification to a previously approved site plan for a 2 megawatt solar project which was approved by the Board of Zoning Appeals in 2015. The applicant is requesting to use off-site retention to satisfy the 3.63 acre planting requirement. Mr. Allen noted there is no existing qualified forest on the site and the proposed easement is within three (3) miles of the development site.

**Motion and Vote:** Mr. Kline made a motion to approve the off-site forest mitigation as presented. The motion was seconded by Mr. Goetz and unanimously approved.

### **OTHER BUSINESS**

#### **Update of Staff Approvals**

Ms. Calimer stated that a written report was sent to members, via e-mail, prior to the meeting. The report provided the following information for the month of August for Plan Review – Land Use: 3 stormwater concept plans, 1 forest stand delineation, 3 site plans, 1 simplified plat, 2 replats, 6 inspection and maintenance agreements, 3 standard grading plans, 2 site specific grading plans, and 4 traffic impact studies.

#### **Comprehensive Plan Update**

Ms. Baker reported that the Community Facilities (Chapter 10) and Historic (Chapter 11) elements were distributed to members this evening.

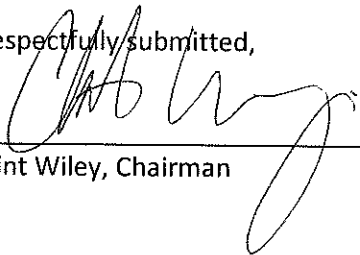
### **UPCOMING MEETINGS**

1. Monday, October 4, 2021, 7:00 p.m. – Washington County Planning Commission public rezoning information and regular meeting

### **ADJOURNMENT**

Mr. Kline made a motion to adjourn the meeting at 9:20 p.m. The motion was seconded by Mr. Weddle and so ordered by the Chairman.

Respectfully submitted,

  
Clint Wiley, Chairman

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
March 7, 2022**

The Washington County Planning Commission held its regular monthly meeting on Monday, March 7, 2022 at 7:00 p.m. at the Washington County Administrative Complex, 100 W. Washington Street, Room 2000, Hagerstown, MD.

Planning Commission members present were: Clint Wiley, Chairman, David Kline, Teresa Shank, Robert Goetz, Jr., Jeff Semler, and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jennifer Kinzer, Deputy Director; Lisa Kelly, Senior Planner; and Debra Eckard, Administrative Assistant.

**CALL TO ORDER**

The Chairman called the meeting to order at 7:00 p.m.

**MINUTES**

**Motion and Vote:** Mr. Kline made a motion to approve the minutes of the February 7, 2022 Planning Commission public rezoning information meeting and regular meeting as presented. The motion was seconded by Mr. Semler and unanimously approved with Ms. Shank abstaining from the vote.

**OLD BUSINESS**

**RZ-21-005 – Sharpsburg Pike Holdings LLC Recommendation**

Ms. Kinzer reminded members that a second public information meeting was held on February 7, 2022 for the proposed rezoning of 9.92 acres of property located at 10319 Sharpsburg Pike. The applicant is requesting the establishment of a Mixed-Use Commercial (MXC) floating zone atop the current HI (Highway Interchange) zoning district. The second meeting was held to consider additional information provided by the applicant concerning a plan to make this development age restricted. This information was not presented to the Planning Commission during the first public information meeting; therefore, the Board of County Commissioners remanded the application back to the Planning Commission for further review and public input. All other elements of the application remain the same. Outside agencies did not review or comment on the new information.

**Discussion and Comment:** Mr. Kline expressed his opinion that the HI zoning is the appropriate zoning for this property. He is hesitant to change the zoning based on the lack of adequate public facilities and infrastructure in this area. Mr. Kline expressed concern regarding the enforcement of the age restricted units and how the County could enforce the restriction. He does not believe the applicant has proven there was a change in the neighborhood or a mistake was made in the original zoning of the property. Mr. Kline voiced his concerns that the developer will change his mind at a later date or will not follow through with the restrictions that are placed on the property once the Planning Commission approves the final plat. He noted that this has happened several times in the past.

Commissioner Wagner believes that the age restriction is usually recorded in the deeds and the HOA or management company would monitor the age restriction requirement. He stated he would be hesitant to approve the proposed change without more information on the types of units to be built and how the restrictions would be enforced and by whom.

Mr. Zachary Kieffer, legal counsel for the applicant, clarified that there would be commercial uses on the first floor and multi-family dwellings on the top two floors. There will also be a few townhomes to meet the requirement of two types of residential dwellings in the mixed-use development. He stated that the County would have legal repercussions against the developer if the age restriction requirement is not adhered to. Mr. Kieffer stated this application is for an overlay zone; and therefore, does not need to prove a change in the neighborhood or mistake in the zoning.

Mr. Goetz expressed his opinion that if the units above the commercial uses are apartments, there will not be an HOA to monitor the age restriction or deeds for the rental units. He noted that another concern with this development is increased traffic cutting through Cross Creek and onto Poffenberger Road. He expressed his opinion that if a commercial use, such as a hotel, were to be placed on the property, most of the traffic would flow back onto Sharpsburg Pike for easy access to the interstate. Mr. Goetz believes the HI zoning is the most appropriate for this property.

Mr. Wiley expressed his concern that demographics in the area could change and we would have more age restricted units than are needed. Therefore, the developer would come back to ask that the requirement be lifted which would affect schools serving the area.

**Motion and Vote:** Mr. Kline made a motion to recommend denial [to the Board of County Commissioners] of the rezoning application as presented based on the lack of adequate public facilities and infrastructure. The motion was seconded by Mr. Goetz and unanimously approved with Ms. Shank and Commissioner Wagner abstaining from the vote.

#### **RZ-21-007 – 19817 Beaver Creek LLC Recommendation**

Ms. Kinzer reminded members that a public information meeting was held on February 7, 2022 for the rezoning of two parcels of land consisting of 131.28 acres of property located at 19817 Beaver Creek Road and along the west side of Dual Highway. The applicant is requesting a change in zoning from RM (Residential, Multi-family) to HI (Highway Interchange) and contends that a mistake was made during the Comprehensive rezoning of the Urban Growth Area in 2012.

During the public information meeting, development constraints were discussed with regard to the inability of these properties to connect to public water and sewer. This site will not have access to public water and/or public sewer any time in the near future.

**Discussion and Comments:** Mr. Goetz asked how the property could be zoned HI without public water and sewer services. Ms. Kinzer stated that the Planning Commission could waive that requirement if the Health Department approves the site for well and septic.

Mr. Semler expressed his concern regarding the need for a well and septic on this site and how it could affect groundwater in the area. He believes a smaller, less intensive use, such as a garage or auto dealership, would be a good fit for the site.

Mr. Kline expressed his opinion that HI zoning would be appropriate for the site. He noted that any type of residential use on the site would affect schools in the South Hagerstown High School district, which is already over capacity.

**Motion and Vote:** Mr. Goetz made a motion to recommend approval [to the Board of County Commissioners] of the proposed rezoning as presented. The motion was seconded by Mr. Kline and unanimously approved with Ms. Shank and Commissioner Wagner abstaining from the vote.

#### **NEW BUSINESS**

#### **ORDINANCE MODIFICATIONS**

##### **Sharpsburg Pike Holdings LLC [OM-22-002]**

Ms. Kelly presented for review and approval a modification request from Section 405.11B of the Subdivision Ordinance. The applicant is proposing the creation of 4 commercial lots on a preliminary plat/site plan for property located along the east side of Sharpsburg Pike, south of HK Douglas Drive. The property is currently zoned HI (Highway Interchange). The proposed access which will serve the 4 lots is owned and maintained by the developer. There will be no direct access from Lots 4 and 5 onto Sharpsburg Pike. The interior access layout is preferable to eliminate additional access points onto Sharpsburg Pike, which is not favored by the State Highway Administration, and could not meet the 500' access spacing requirement.

**Motion and Vote:** Mr. Kline made a motion to approve the modification request as presented. The motion was seconded by Mr. Semler and unanimously approved.

##### **Cascade Towne Center Development LLC [OM-22-003]**

Ms. Kelly presented for review and approval a modification request from Section 405.11B of the Subdivision Ordinance. The applicant is proposing the creation of two lots (Lots 1 and 2) which contain existing semi-detached and multi-family dwelling units. The subject site is located on Hart Avenue and Boyd Street in the former Ft. Ritchie military base. The property is currently zoned SED (Special Economic Development). Lot 1 has 8 existing buildings that will contain a total of 27 dwelling units on 6.8 acres of land. Lot 2 will have 11 buildings that will contain a total of 22 dwelling units on 2.7 acres of land. Both lots will have frontage on existing private roads.

**Motion and Vote:** Mr. Goetz made a motion to approve the modification request as presented. The motion was seconded by Mr. Semler and unanimously approved.

### **SITE PLANS**

#### **Emerald Pointe, Phase 4, Sections 2-6 [PSP-21-001]**

Ms. Kelly presented for review and approval a site plan for property located along Marsh Pike and Longmeadow Road. The property is currently zoned RT(PUD) (Residential Transition with a Planned Unit Development overlay). The developer is proposing a total of 86 semi-detached units on 18.49 acres; open space will contain 1.21 acres. All lots will be served by public water and sewer. There will be 172 parking spaces provided, not including the garage on each unit. Streetlights and sidewalks will be provided. There will be .42 acres of forest planted behind Lots 102 and 104 to complete the overall Emerald Pointe development requirements. All agency approvals have been received.

**Motion and Vote:** Mr. Kline made a motion to approve the site plan as presented. The motion was seconded by Mr. Semler and unanimously approved with Mr. Goetz abstaining from the vote.

#### **JT Repairs [SP-21-029]**

Ms. Kelly presented for review and approval a site plan for property located along the east side of Oak Ridge Place, south of Oak Ridge Drive. The property is currently zoned IR (Industrial Restricted). The developer is proposing a 15,000 square foot truck terminal on 4.7 acres of land. The building will have office space, storage and garage space. There will be two access points off Oak Ridge Place. The site will be served by private well and septic, which was approved by the Planning Commission on August 2, 2021. Hours of operation will be 7am to 5 pm, Monday through Saturday. There will be 6 employees. Lights and signage will be building mounted. Sixteen parking spaces are required; 16 spaces will be provided. There will be 5 large openings along the side of the building for trucks to pull into and drive thru to the other side. Forest conservation requirements were met in 2010 under a previous site plan for this site via a forest retention area and a payment-in-lieu of planting fee. All agency approvals have been received.

**Motion and Vote:** Mr. Kline made a motion to approve the site plan as presented. The motion was seconded by Mr. Semler and unanimously approved.

### **Update of Staff Approvals**

Ms. Kinzer stated that a written report of development activity for the month of February 2022 was sent to members in the agenda packet.

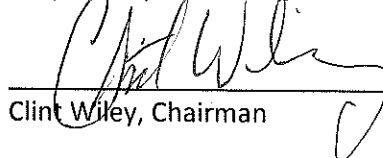
### **UPCOMING MEETINGS**

1. Monday, March 21, 2022, 6:30 p.m. – Washington County Planning Commission Rezoning Public Information Meeting, Washington County Circuit Court House, 24 Summit Avenue
2. Monday, March 28, 2022, 6:30 p.m. – Washington County Planning Commission workshop meeting
3. Monday, April 4, 2022, 7:00 p.m. – Washington County Planning Commission regular meeting

### **ADJOURNMENT**

Mr. Kline made a motion to adjourn the meeting at 8:10 p.m. The motion was seconded by Ms. Shank and so ordered by the Chairman.

Respectfully submitted,

  
Clint Wiley, Chairman

**WASHINGTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
February 7, 2022**

Due to in-person meeting restrictions related to the COVID pandemic, the Washington County Planning Commission held its regular monthly meeting on Monday, February 7, 2022 at 7:00 p.m. virtually using Zoom software. No physical meeting took place.

Planning Commission members present were: Clint Wiley, Chairman, David Kline, Denny Reeder, Jeremiah Weddle, Robert Goetz, Jeff Semler, and Ex-officio County Commissioner Randall Wagner. Staff members present were: Washington County Department of Planning & Zoning: Jill Baker, Director; Jennifer Kinzer, Deputy Director; Travis Allen, Comprehensive Planner; Lisa Kelly, Senior Planner; Scott Stotemyer, Planner; Meghan Jenkins, GIS Coordinator; and Debra Eckard, Administrative Assistant.

Also present at the meeting were: Adam Hager, David Trostle, Ed Schreiber, and Trevor Frederick of Frederick, Seibert & Associates; Gordon Poffenberger, Fox & Associates; William Wantz, Justin Goodman, Mike Nalepa, Meir Neuberger, Rubin Moshe, Thomas Palumbo, and Joshua Sewald [RZ-21-007]; Zachary Kieffer [RZ-21-005]; Jimmy Rowland [SP-21-036]; Bob Franks [SP-21-031]; Matthew Powell, William Erskine and Todd Heck [Black Rock PUD].

**CALL TO ORDER**

The Chairman called the meeting to order at 7:00 p.m.

**REZONING PUBLIC INFORMATION MEETING**

**RZ-21-005 – Sharpsburg Pike Holdings LLC**

**Staff Presentation**

Mr. Allen reminded members that the Board of County Commissioners held a public hearing in November for the rezoning of 9.92 acres of property located at 10319 Sharpsburg Pike. The applicant is requesting a change in zoning from HI (Highway Interchange) to MXC (Mixed Use Residential and Commercial). During the public hearing, the applicant presented a new plan to address school capacity issues that was not available during the Planning Commission's public rezoning information meeting. Therefore, the County Commissioners remanded the application back to the Planning Commission for additional review and public comment. All other aspects of the application remain the same.

**Applicant's Presentation**

Mr. Zachary Kieffer, legal counsel for the applicant, reminded members that following the Planning Commission's public information meeting, they recommended denial of the rezoning based on school inadequacy and the lack of a plan for mitigation. If the schools remain inadequate at the site plan/final plat stage, the developer is proposing an age-restricted community. Age restricted development would not require mitigation for school adequacy issues.

**Public Comment**

- Annamarie Wise – Ms. Wise expressed her opinion that the proposed development would be surrounded by commercial development and there is not enough space for recreational activities for residents living in the proposed residential units.

**Discussion and Comment from Members**

Mr. Kline stated that he would like to meet with the County Attorney to discuss enforcement issues of the age restricted units. He would like to know who would be responsible for enforcement and what would the County's role be in enforcement.

**Consensus:** The Planning Commission will defer action on this application until a later time.

**RZ-21-007 – 19817 Beaver Creek LLC**

**Staff Presentation**

Mr. Allen presented for review a rezoning application for 131.28 acres of property located at 19817 Beaver Creek Road and along the west side of Dual Highway. The applicant is requesting a change in zoning from

RM (Residential, multi-family) to HI (Highway Interchange). The rezoning application consists of two parcels of land: the smaller parcel is improved with a residential structure and the larger parcel is used for agricultural purposes. Mr. Allen presented the following criteria for the Planning Commission's consideration in evaluating this application.

- *Availability of public water and sewer services* – This site is designated as S-5 and W-5 (long-term planned services) in the County's Water & Sewerage Plan. This means that no public water or sewer service is currently available. If services become available in the future, the site would be served by water from the City of Hagerstown and sewer from the County. It was noted that the site is currently located outside of the City's Medium Range Growth Area (MRGA). Presently, the site would rely on individual well and septic.
- *Compatibility with existing/proposed development* – Mr. Allen noted the uses of several areas surrounding I-70 as follows: north of I-70 is a mixture of residential zoning classifications with varying densities, some areas zoned HI and land that falls within the Town of Funkstown and the City of Hagerstown; south of I-70 there are large parcels being used for agricultural purposes; numerous properties around the interchanges are zoned HI; and to the west of the interstate is property zoned Residential Urban.
- *Land Use* - Historically, the area along Beaver Creek Road has been farmland, woodland, and single-family residential uses. Recently, there have been a few commercial businesses that have opened in this area (such as Vinny's Towing and US Lawns). Mr. Allen noted there are several car dealerships in the area and low intensity commercial uses along US Route 40. The applicant is proposing the HI zoning designation which is intended to provide suitable locations for commercial activities or light industrial uses for highway travelers, provide goods or services to the local population or provide for uses that have a need to be located near the interstate highway system.
- *Relationship to the Comprehensive Plan* – The County's 2002 adopted Comprehensive Plan Land Use Plan designates this area as low-density residential. This policy area is the main transitional classification from the urban to the rural area and is primarily associated with single-family development.

Mr. Allen stated that in a piecemeal rezoning such as this one, the applicant must provide sufficient evidence that a change in the character of the neighborhood has occurred or there was a mistake in the zoning of this property in 2012 during the Urban Growth Area comprehensive rezoning. In this case, the applicant is claiming a mistake was made in 2012 in the zoning of this property and cites the following reasons:

- 1) *The site is not served by public water and public sewer and therefore, the requirements of the RM zoning district cannot be met* – Staff confirms that public water and sewer services are not available to this site; however, public water and sewer services were identical for both the RM and the HI zoning classifications in 2012 when the property was rezoned. It was noted that this requirement could potentially be waived by the Planning Commission with input from the Health Department. Prior to 2012, this property was zoned HI-2 which was intended to be a transitional zone between the HI-1 zoned areas and residential uses. The HI-2 zone allowed low intensity industrial uses, commercial uses, and a range of residential uses with varying densities. The HI-2 district did not require connection to public water and sewer but did allow for higher density development if public water and sewer was available at the time of development. The RM zoning classification was recommended by the UGA Advisory Committee, which was appointed by the Board of County Commissioners. The Advisory Committee believed this area could be used to facilitate multi-family residential development in the county. At that time, staff recommended the RT (Residential, Transition) zoning designation which was a low-density residential zoning classification and would have been more compatible with the Comprehensive Plan's Land Use Plan. The RT zoning classification also requires connection to public water and sewer facilities.
- 2) *Similarly situated properties in the vicinity that are within the UGA but outside of the City's MRGA were zoned HI in 2012* - Staff confirms that other similar properties in the area were zoned to HI during the 2012 rezoning.

In conclusion, Mr. Allen noted that infrastructure requirements such as road improvements and school adequacy would be difficult to achieve for the RM zoning district as well as for some of the more intensive uses permitted in the HI zoning district; some less intensive permitted uses in the HI zoning district might be feasible. He also noted that neither the RM nor the HI zoning districts are compatible with the County's adopted Comprehensive Plan and no public water or sewer services are available in the foreseeable future. Mr. Allen stated that four letters in opposition of the proposed rezoning were received prior to the public information meeting; there were no letters supporting the request.



### **Applicant's Presentation**

Mr. William C. Wantz, 123 W. Washington Street, Hagerstown, legal counsel for the applicant, was present at the meeting. Also present and representing the applicant were Mr. Mike Nalepa and Mr. Joshua Sewald. Mr. Wantz gave a brief summary of the applicant's interest in the property noting that the original intent was to develop a multi-family residential use on the property. However, after discussions with the City of Hagerstown's Water Department, the applicant was told that there would be no extension of services in the foreseeable future to support a multi-family residential development. The applicant then began exploring other development options for the site that would not require a large number of EDUs, such as uses that are permitted in the HI zoning district.

The applicant contends that the property is better suited for the HI zoning classification and gave the following reasons to support this position:

- There are too many limitations for planning, building and funding a multi-family residential development using individual wells and septic.
- Scattered low density housing creates sprawl development which is not consistent with State guidelines.
- There are two cloverleaf interchanges in the County: one at Dual Highway and one at Halfway Boulevard. No new interchanges are proposed so we should use the interchanges we have to the greatest extent possible.
- It must be presumed that when the RM zoning was applied in 2012, the local legislative body must have been optimistic that the City would be able to provide water and sewer services to the site.
- Adjacent property uses should be considered when reviewing this application. Across the road is a billboard site, there are 4 single-family residential homes which were built between 1946 and 1953 which pre-date the I-70 highway system, and there are new commercial uses that have been established since 2020. The large acreage of the Agrimar tract, the subject property, offers the availability of ample land and wide buffers with vegetative screening on all sides for any use permitted under the HI zoning district.

Mr. Joshua Sewald of Dynamic Engineering stated that the HI zone provides a great flexibility of uses such as low intensity retail services, warehouses, self-storage units, etc., that do not demand high levels of water usage. He noted that the adequate size of the property and frontage would allow for improvements such as widening the roadway, the possible installation of a traffic signal on Route 40 at the intersection with Beaver Creek Road, and the permitted uses could be supported on individual wells and septic systems. It is his professional opinion that based on the size of the property, the limited environmental features in the middle of the site and the usable land, this property was designed to provide uses that would better serve the area as well as Route 40 and Interstate 70.

Mr. Mike Nalepa of Street Traffic Studies stated that a scoping request has been submitted to Washington County for the traffic study that will be required if this rezoning request is approved. He believes that the developer will be able to adequately address any traffic issues that might arise as a result of this rezoning approval.

### **Discussion and Comments**

Mr. Goetz asked if there are any road improvements proposed on Beaver Creek Road due to the development of Gaver Meadows. Mr. David Trostle of Frederick, Seibert & Associates, stated there are no improvements proposed for Beaver Creek Road, only Emmert Road.

Mr. Weddle noted that the subject property is currently proposed to be removed from the Urban Growth Area. Ms. Baker stated that the applicant is aware of that proposal but has decided to move forward.

### **Public Comment**

- Bette Jo Shifler, 20017 Beaver Creek Road – Ms. Shifler stated that Vinny's Towing and US Lawns are both businesses that operate during daylight hours and produce very little traffic. She stated that when there are accidents on I-70, traffic can be backed up for at least a mile in the area. She noted that the SHA has told her that the I-70 cloverleaf is very outdated and there are currently no plans for improvements. She does not believe there will be adequate fire protection for any businesses because there is no public water. Ms. Shifler noted there is a warehouse proposed on Howell Road, which she has been told generates 2,000+ trucks per day and she believes that roads in the area cannot accommodate that amount of traffic. She

made an inquiry as to the location of the access on Route 40 and if a traffic study has been done on Dual Highway.

- Mike Siecker, 10223 Summers Lane – Mr. Siecker expressed his concern regarding traffic issues, access to the site, and light pollution.

#### **Applicant's Rebuttal**

Mr. Wantz addressed the Planning Commission and citizen's concerns as follows:

- Road improvements to the site could be easily accomplished. The applicant is willing to make any traffic pattern and road improvements required by the SHA.
- Screening and buffering of the site would be determined by the Planning Commission during the site plan stage.
- A traffic study has been completed that includes the Dual Highway (Route 40)
- The developer would work with the responding fire company to address the need for fire protection which will be dependent on the type of use on the site.
- Lighting issues will be addressed during the site plan stage and subject to review by the Planning Commission.

The rezoning public information meeting concluded at 8:10 p.m.

#### **MINUTES**

**Motion and Vote:** Mr. Kline made a motion to approve the minutes of the Planning Commission regular meeting as presented. The motion was seconded by Mr. Semler and unanimously approved.

#### **NEW BUSINESS**

##### **SITE PLANS**

##### **Rowland on Holdings LLC [SP-21-036]**

Ms. Kelly presented for review and approval a site plan for a proposed tractor trailer gravel storage lot on 5.60 acres located at the south end of French Lane, east of Greencastle Pike and north of I-70. The property is currently zoned HI (Highway Interchange). There will be one access point from French Lane. The site will be used seven days per week, 24 hours per day. There will be no employees, lighting, signage, public water or public sewer for this site. Bio retention ponds will be constructed to handle storm water. Forestation requirements were previously met with forest retention easement plats that were approved in 2000 under the name of Hunter's Green. All agency approvals have been received.

**Motion and Vote:** Mr. Kline made a motion to approve the site plan as presented. The motion was seconded by Mr. Reeder and unanimously approved.

##### **Sheetz Store #145 [SP-21-031]**

Mr. Stotemyer presented for review and approval a site plan for the replacement of Sheetz Store #145 located at the corner of Longmeadow Road and Pennsylvania Avenue. The proposed store will be 6,077 square feet and will replace the existing store. All fuel dispensers and islands will be removed and replaced as well. The site will continue to be accessible from Pennsylvania Avenue as well as Longmeadow Road. Although the Sheetz store will be closed during the construction of the new store, the access lane to Martin's will remain open. The current site has 40 parking spaces; the new site will have 43 parking spaces. The site is served by public water from the City of Hagerstown and public sewer from Washington County. The hours of operation will be seven days per week, 24 hours per day. Lighting will be pole and building mounted. Signage will be building mounted; the existing pole mounted sign will be upgraded. The existing car wash will remain and will receive an updated façade. All agency approvals have been received.

**Motion and Vote:** Mr. Kline made a motion to approve the site plan as presented. The motion was seconded by Mr. Reeder and unanimously approved.

## **FOREST CONSERVATION**

### **Western Maryland Parkway Warehouse [GP-21-024]**

Mr. Allen presented for review and approval two requests to meet Forest Conservation requirements for a proposed warehouse and office space on property located along the northwest side of Western Maryland Parkway. The first request is to utilize the payment-in-lieu of planting to satisfy 5.92 acres of planting requirement; the second request is to remove 3 specimen trees from the site. The property is currently zoned HI (Highway Interchange). The unusual shape of the parcel, the size and dimensions of the proposed building, and the required parking associated with the development make retention of forest and the specimen trees unfeasible. Forest situated along the east side of the parcel will be retained; however, there is no additional space for planting.

**Motion and Vote:** Mr. Kline made a motion to approve both requests as presented. The motion was seconded by Mr. Goetz and unanimously approved.

[Mr. Weddle left the meeting at 8:20 p.m.]

### **Chris and Dusky Rankin, Bivens Estates, Lot 21 [S-21-054]**

Mr. Allen presented for review and approval a request to vacate .25 acres of an existing forest easement, leaving .86 acres in the easement on-site, for the relocation of a septic system on property located at 17000 Bivens Lane. He explained that there are 3 overlapping land use considerations that are part of this septic relocation request: 1) the integrity of the forest easement on the site; 2) the potential existence of an intermittent stream buffer; and 3) the specific location of the septic area that is required by stream buffer regulations, flood plain regulations and the conservation of wet or hydric soils. Mr. Allen stated that the Forest Conservation Ordinance prioritizes the retention of existing forest within intermittent stream buffers; the Subdivision Ordinance requires buffers to be provided for perennial/intermittent streams; and septic systems are generally prohibited in intermittent/perennial stream buffers and are not located in hydric soils. Following a detailed review of the property and changes that have occurred up stream, the Soil Conservation District determined that the intermittent stream does not flow to the extent that it previously did so the buffer is no longer required for this parcel. It was also determined that the flood plain is now located off-site. The Health Department has determined that this location is the best area for the septic system.

**Motion and Vote:** Mr. Reeder made a motion to approve the request as presented. The motion was seconded by Mr. Kline and unanimously approved.

## **OTHER BUSINESS**

### **Black Rock PUD**

Ms. Baker reminded members that the applicant submitted an application several months ago for a major change to the approved Black Rock PUD development plan. The proposed change was to increase the density from 595 dwelling units to 1,148 dwelling units. On February 1, 2022, the Board of County Commissioners denied the request. In response to this denial, the applicant is now proposing to go back to the original density and number of residential units shown on the approved development plan but clustering the units on a smaller portion of the property. A portion of the larger parcel to the left, would be retained for open space. Following a review of the regulations depicted in the Zoning Ordinance, staff does not believe the proposed changes warrant a major change for the following reasons: there is no change in the total number of residential units or density being proposed and the types of residential houses and amenities are comparable.

**Discussion and Comments:** Mr. Semler expressed his concern that the developer would come back at a later time and want to develop the open space area. Ms. Baker explained that this would be a designated open space area used to meet the current requirements of the Zoning Ordinance. Any proposed change to develop that area would be required to go through the public hearing process again. Mr. Semler asked if the original plan was denied by the Planning Commission but approved by the County Commissioners. Ms. Baker stated that the original plan was recommended for denial by the Planning Commission but ultimately approved by the County Commissioners. Mr. Semler asked if traffic and water issues would still be a concern if the original plan is followed. Ms. Baker stated that the developer would have to go through the site plan process and would still have to address water issues, traffic issues and any other approving agency comments and concerns.

Mr. Goetz asked for clarification of the density and number of residential units in both the original plan and the proposed plan. Ms. Baker reiterated that there is no change in the number of residential units or

the density from the original plan; however, the developer wants to use a clustering plan to increase the open space area and reduce lot sizes.

Mr. Kline expressed his opinion that the proposed change is a major change and needs go through the public hearing process. Mr. Reeder concurred.

Commissioner Wagner stated that he would be abstaining from any action taken this evening. However, he expressed his concern that if the proposed plan is approved, the developer could come back at a later date with a new plan to develop the remaining lands, which would have the potential to be approved by a new Board of County Commissioners.

**Motion and Vote:** Mr. Kline made a motion that the Planning Commission consider this a major change which will need to go to public hearing. The motion was seconded by Mr. Goetz and unanimously approved with Commissioner Wagner abstaining from the vote.

#### **Update of Staff Approvals**

Ms. Kinzer stated that a written report of development activity for the month of January 2022 was sent to members in the agenda packet.

#### **Comprehensive Plan Update**

Ms. Baker believes that the Planning Commission should schedule workshop meetings to focus only on items related to the Comp Plan. We will present information on population projections, land use densities, MRGA limitations, etc. Staff will be sending the Commission members dates for workshop meetings.

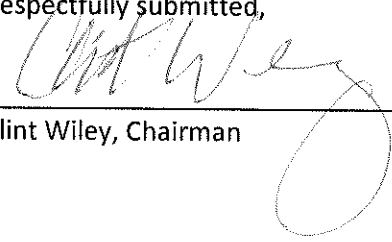
#### **UPCOMING MEETINGS**

1. Monday, March 7, 2022, 7:00 p.m. – Washington County Planning Commission regular meeting

#### **ADJOURNMENT**

Mr. Semler made a motion to adjourn the meeting at 8:55 p.m. The motion was seconded by Mr. Weddle and so ordered by the Chairman.

Respectfully submitted,

  
 \_\_\_\_\_  
 Clint Wiley, Chairman



## Agenda Report Form

### Open Session Item

#### PUBLIC HEARING

**SUBJECT:** Text Amendments to Building Excise Tax Ordinance

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Rich Eichelberger, Director of Permits and Inspections  
Kirk C. Downey, County Attorney

**RECOMMENDED MOTION:** Move to approve the text amendments to the Building Excise Tax Ordinance

**REPORT-IN-BRIEF:** This is a public hearing to hear testimony concerning proposed text amendments to the Building Excise Tax Ordinance. Text amendments to Section 7 of the Ordinance are proposed.

**DISCUSSION:** The Building Excise Tax Ordinance provides for the imposition of the excise tax on certain construction. The proposed amendments remove conversion construction from (1) nonresidential nonretail to nonresidential retail and (2) from nonresidential retail to nonresidential nonretail from the tax. Those conversion scenarios were subject to a sunset clause that exempted them from the excise tax; the proposed amendments make the conversion construction in those scenarios no longer subject to the excise tax.

**FISCAL IMPACT:** n/a

**CONCURRENCES:** n/a

**ALTERNATIVES:** n/a

**ATTACHMENTS:** Adopting Ordinance  
Building Excise Tax Ordinance showing proposed amendments

**ORDINANCE NO. ORD-2022-**

**AN ORDINANCE TO RESTATE AND REPUBLISH, WITH AMENDMENTS,  
AN ORDINANCE ENTITLED "BUILDING EXCISE TAX ORDINANCE FOR  
WASHINGTON COUNTY, MARYLAND"**

**RECITALS**

Washington County, Maryland (the "County"), has the authority to adopt a building excise tax ordinance that provides for the imposition and collection of such a tax in Washington County and its municipalities, pursuant to Section 2-701 of the Code of the Public Local Laws for Washington County, Maryland (CPLL).

The existing county Building Excise Tax Ordinance (*BETO*) was adopted and effective on August 4, 2015.

Certain amendments have been proposed to the Ordinance. The proposed amendments remove from the tax conversion construction from (1) nonresidential nonretail to nonresidential retail uses and (2) from nonresidential retail to nonresidential nonretail uses.

A public hearing was held on June 28, 2022, following due notice and advertisement of the text of the *BETO*.

Public comment was received, reviewed, and considered concerning the aforesaid *BETO*.

The Board believes it to be in the best interests of the citizens of the County for the Board to adopt the attached revised and amended *BETO*.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Washington County, Maryland, that the Building Excise Tax Ordinance of Washington County, Maryland, is restated and republished, with amendments incorporated therein, as set forth in the attached ordinance entitled "Building Excise Tax Ordinance for Washington County, Maryland," being Revision 13 of the Ordinance.

Adopted this \_\_\_\_ day of June, 2022.

Effective this \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

\_\_\_\_\_  
Krista L. Hart, Clerk

BY: \_\_\_\_\_  
Jeffrey A. Cline, President

Approved as to form  
and legal sufficiency:

\_\_\_\_\_  
Kirk C. Downey  
County Attorney

Mail to:  
County Attorney's Office  
100 W. Washington Street, Suite 1101  
Hagerstown, MD 21740-4735

# **BUILDING EXCISE TAX ORDINANCE FOR WASHINGTON COUNTY, MARYLAND**

Adopted June 17, 2003  
Effective July 1, 2003

Revision 1 (Amended) - Adopted June 22, 2004  
Effective as of July 1, 2004.

Revision 2 - Adopted and effective October 12, 2004

Revision 3 - adopted July 12, 2005  
Effective as of July 12, 2005.

Revision 4 – adopted May 2, 2006.  
Effective as of May 2, 2006, except as otherwise provided herein.

Revision 5 - Repealed and reenacted, with amendments, on June 17, 2008  
Effective July 1, 2008

Revision 6 - Repealed and reenacted, with amendments, on June 23, 2009  
Effective June 26, 2009

Revision 7 (Amended) - Adopted March 1, 2011  
Effective March 1, 2011

Revision 8 (Amended) - Adopted September 13, 2011  
Effective September 13, 2011

Revision 9 (Amended) - Adopted August 28, 2012  
Effective August 28, 2012

Revision 10 (Amended) - Adopted March 26, 2013  
Effective March 26, 2013

Revision 11 (Amended) - Adopted August 4, 2015  
Effective August 4, 2015



BUILDING EXCISE TAX ORDINANCE FOR WASHINGTON COUNTY, MARYLAND

---

Revision 12 (Amended) - Adopted September 10, 2019  
Effective September 10, 2019

Revision 13 (Amended) - Adopted \_\_\_\_\_  
Effective \_\_\_\_\_



**Table of Contents**

1.	Establishment of tax .....	1
2.	Definitions .....	1
3.	Residential Construction .....	3
4.	Nonresidential Construction .....	3
5.	Payment of tax .....	4
6.	Exemptions.....	4
7.	Change in use .....	6
8.	Special excise tax fund .....	7
9.	Municipalities.....	8
10.	Appeals.....	11
11.	Enforcement. ....	12
12.	Annual reports.....	12
13.	Agricultural land preservation .....	14

**1. Establishment of tax.**

1.01 In accordance with Section 2-701 of the Code of the Public Local Laws of Washington County, as amended from time to time, there is a building excise tax on all building construction in Washington County.

**2. Definitions.**

2.01 The words and phrases used in this Ordinance shall have their usual meaning, unless otherwise defined in this section.

2.02 *Addition construction* means construction that requires a building permit and that increases the gross square footage of an existing nonresidential nonretail structure or nonresidential retail structure, or the habitable gross square footage of an existing residential structure.

2.03 *Applicant* means the individual, partnership, corporation, limited liability company, or other legal entity whose signature or name appears on the building permit application.

2.04 *Basement* means that portion of a building that is partly or completely below grade and has a ceiling height of at least seven feet.

2.05 *Board or Board of County Commissioners or County Commissioners* means the Board of County Commissioners for Washington County, Maryland.

2.06 *Building* means any permanent structure used or intended for supporting or sheltering any use or occupancy. *Building* does not include an accessory structure or a temporary structure, as defined in the Washington County building code.

2.07 *Common area* means the interior or exterior circulation paths, rooms, spaces or elements that are not for public use and are made available for the shared use of two or more people in a multifamily residential structure, including lobbies and laundry facilities.

2.08 *Construction* means construction or alteration of a building or part of a building that requires a building permit.

2.09 *Director of Finance* means the Director of Budget and Finance for Washington County or the Director's designee.

2.10 *Director of Plan Review and Permitting* means the Director of the Division of Plan Review and Permitting for Washington County or the Director's designee.

2.11 *Farm construction* means construction intended to be actively used for farm use, but does not include residential construction thereon.

2.12 *Farm or agricultural use* means the raising of farm products for use or sale, including animal or poultry husbandry, animal husbandry facilities, aquaculture, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers, and similar products of the soil.

2.13 *Gross square footage* means the entire interior area of a structure, finished or unfinished.

2.14 *Habitable gross square footage* means the entire interior area of living space in a residential structure, finished or unfinished, including but not limited to bathrooms, toilet rooms, closets, halls, basements, and storage or utility spaces, but not including porches, garages, unfinished attics, and crawl spaces. Habitable gross square footage does not include the common areas of multifamily residential structures having three or more dwelling units.

2.15 *Mixed-use structure* means a structure or part of a structure, but not a separated occupancy, having any combination of residential use, nonresidential nonretail use, or nonresidential retail use.

2.16 *Nonresidential* means the use of a structure for purposes other than living or permanent habitation.

2.17 *Nonresidential nonretail* means the use of a structure for assembly, business, factory, storage, utility, education, institutional, transient accommodations or habitation, or hazardous uses.

2.18 *Nonresidential retail* means the use of a structure open to the public for the display and sale of merchandise, and involves stocks of goods, wares, or merchandise incidental to such purposes, including but not limited to restaurants, stores, members-only discount stores, and other commercial sales enterprises not solely engaged in the wholesale distribution of merchandise.

2.19 *Principal use* means the foremost purpose for the use, its *raison d'être*. A principal use may be accompanied by one or more *accessory uses* that are incidental to or supportive of the principal use. The ratio of the gross square footage of the structure

devoted to any principal and accessory uses is not a factor in determining the principal use of the structure.

2.20 *Redevelopment area* means the “Hagerstown Redevelopment Area,” consisting of all that land zoned Downtown Mixed-Use District or within a Hagerstown Conversion District overlay zone as set forth in the Hagerstown Zoning Ordinance as of June 26, 2009, and those areas in other municipal corporations as may be designated by the Board of County Commissioners by resolution upon request.

2.21 *Residential* means the use of a structure for living or permanent habitation, or a structure having one (1) or more dwelling units, including but not limited to boarding houses, but not including institutional uses or transient accommodations such as hotels, country inns, bed and breakfast inns, and the like, which shall be considered nonresidential nonretail uses.

2.22 *Separated occupancy* means a discrete part of a structure having a principal use that is distinct from other uses in the same structure, including but not limited to a store in a mall or an office in a multi-unit office building.

2.23 *Structure* means a building or part of a building.

### **3. Residential Construction.**

3.01 *Base building excise tax.* The base amount of the building excise tax for residential construction is \$1 per square foot of habitable gross square footage.

3.02 *Addition construction.* The amount of the building excise tax for residential addition construction is one-half of the amount per square foot set forth in §3.01.

3.03 *Calculation of amount.* The amount of building excise tax to be paid by an applicant shall be determined by the Director of Plan Review and Permitting.

### **4. Nonresidential Construction**

4.01 *Nonresidential nonretail construction.* The building excise tax for nonresidential nonretail construction is \$1 per square foot of the gross square footage.

4.02 *Nonresidential retail construction.* The building excise tax for nonresidential retail construction is \$1 per square foot of the first 15,000 square feet of gross square footage and \$3 per square foot of any gross square footage over 15,000 square feet.

4.03 *Addition construction.* The amount of the tax due under this section shall be determined according to the increase in the gross square footage of the structure at the same rate per square foot set forth in §§ 4.01 and 4.02, as the circumstance may require.

4.04 *Mixed-use structures.* The building excise tax for mixed-use construction is the tax imposed under this Ordinance for the principal use of the structure as determined by the Director of Plan Review and Permitting.

4.05 *Separated occupancies.* The building excise tax for separated occupancy construction is the tax imposed under this Ordinance for the principal use of the separated occupancy.

## **5. Payment of tax.**

5.01 *Building excise tax paid before issuance of building permit.* An applicant for a building permit shall pay the building excise tax before the building permit for the respective structure is issued.

5.02 *Refunds.* The Director of Finance shall refund to the applicant the building excise tax paid if the building permit is cancelled or expires so long as work has not commenced. If, upon appeal by an applicant pursuant to § 10.03 who has paid the building excise tax, the County Administrator determines that the Director of Plan Review and Permitting has erred in calculating the building excise tax, the Director of Finance shall refund to the applicant the difference between the amount of building excise tax paid by the applicant and the correct amount as determined by the County Administrator.

## **6. Exemptions.**

6.01 *Farm construction.* Farm construction is not subject to the building excise tax so long as the construction continues to be actively used for farm use. Should the construction be used for some purpose other than active farm use, then the building excise tax shall be remitted to the Director of Finance at the then existing amount of the building excise tax.

6.02 *Government construction.* No building excise tax shall be imposed on construction by the Board of County Commissioners, any municipality, the Washington County Board of Education, Hagerstown Community College, the State of Maryland, or the federal government.

6.03 *Replacement construction.*\* No building excise tax shall be imposed on construction that replaces an existing structure as long as there is no:

- (a) Increase in the habitable gross square footage of a residential structure;
- (b) Change in the use of a structure from a nonresidential nonretail use to a nonresidential retail use; or
- (c) Increase in the gross square footage of a nonresidential structure.

6.04 *Residential accessory structures.* No building excise tax shall be imposed on residential accessory structures that are not habitable.

6.05 *Schools.* No building excise tax shall be imposed on construction of public or private elementary or secondary schools or higher education institutions issued a certificate of approval by the Maryland Higher Education Commission pursuant to Md. Code Ann., Educ. § 11-202.

6.06 *Redevelopment area.* No building excise tax shall be imposed on construction in a redevelopment area as defined in § 2.20 of this Ordinance.

6.07 *Enterprise zones.* No building excise tax shall be imposed upon nonresidential construction within enterprise zones in the County.

6.08 *Religious corporations.* No building excise tax shall be imposed upon structures:

- (a) Owned by corporations organized and operated exclusively for religious purposes within the meaning of 26 U.S.C. 501, and
- (b) Used primarily for religious purposes.

6.09 *Fire, Rescue, or Ambulance Companies.* No building excise tax shall be imposed upon structures:

- (a) Owned by corporations authorized to provide fire protection or fire fighting service, rescue, or ambulance service as described in Section 10-401 of the Code of Public Local Laws for Washington County, Maryland; and

---

\* The building excise tax on any increase in habitable gross square footage or gross square footage created by the construction shall be computed in accordance with §§ 3, 4, and 7 of this Ordinance.

- (b) Used primarily for the delivery of fire, rescue, or ambulance service.

## 7. Change in use.

7.01 *General.* Upon receipt of a building permit application for a change in use that requires a zoning certification, the building excise tax shall be imposed based on the use applied for in the building permit application, subject to any credit allowed by § 7.07.

7.02 *Conversion from nonresidential to residential.* When an existing structure is subject to construction pursuant to a building permit that converts its use from a nonresidential use to residential use, the building excise tax is 70% of the amount set forth in § 3.01 on all existing gross square footage. Any addition construction will be taxed at the amount set forth in § 3.02. Conversion construction under this § 7.02 is not entitled to the credit set forth in § 7.05.

~~7.03 *Conversion from nonresidential nonretail to nonresidential retail.*<sup>†</sup> When an existing structure is subject to construction pursuant to a building permit that converts its use from nonresidential nonretail use to nonresidential retail use, the building excise tax is as set forth in § 4.02 on all existing gross square footage. Any addition construction will be taxed at the amount set forth in § 4.03.~~

~~7.04 *Conversion from nonresidential retail to nonresidential nonretail.*<sup>†</sup> When an existing structure is subject to construction pursuant to a building permit that converts its use from nonresidential retail use to nonresidential nonretail use, the building excise tax is as set forth in § 4.01 on all existing gross square footage. Any addition construction will be taxed at the amount set forth in § 4.03.~~

7.03 *Conversion from residential to nonresidential nonretail.* When an existing structure is subject to construction pursuant to a building permit that converts its use from residential use to nonresidential nonretail use, the building excise tax is as set forth in § 4.01 on all existing habitable gross square footage. Any addition construction will be taxed at the amount set forth in § 4.03.

7.04 *Conversion from residential to nonresidential retail.* When an existing structure is subject to construction pursuant to a building permit that converts its use from residential use to nonresidential retail use, the building excise tax is as set forth in § 4.02 on all existing gross square footage. Any addition construction will be taxed at the amount set forth in § 4.03.

---

<sup>†</sup> See § 7.08.



**7.05** *Credit.* A credit shall be granted for any building excise tax due under this § 7 for any excise tax previously paid upon prior construction of the structure since July 12, 2005. No refund shall be granted if the credit for any building excise tax previously paid exceeds the building excise tax imposed under this § 7.

~~7.05 *Special provisions; sunset.* Until July 1, 2022, and retroactively to July 1, 2019, the provisions of §§ 7.03 and 7.04 shall not be given effect. Until that date, when an existing nonresidential structure is subject to construction pursuant to a building permit that converts its use, the building excise tax is \$0 on all existing gross square footage. Any addition construction will be taxed at the amount of \$0 per square foot. This § 7.08 shall be abrogated and of no further force or effect on July 1, 2022.~~

## **8. Special excise tax fund.**

8.01 *Establishment of fund.* The Director of Finance shall establish a special nonlapsing fund to be known as the special excise tax fund. All revenues from the building excise tax shall be deposited in the special excise tax fund. Interest earned by money in the special excise tax fund shall accrue to the special excise tax fund.

8.02 *Use of special excise tax fund – nonresidential construction.* Revenues deposited in the special fund that are generated by the building excise tax imposed on nonresidential construction may only be used for:

- (a) Primary, secondary, or higher education capital expenditures;
- (b) Public safety capital expenditures;
- (c) Public infrastructure projects; and
- (d) Debt reduction related to capital improvements expenditures.

8.03 *Use of special excise tax fund - residential construction.* The revenues from the building excise tax imposed on residential construction may only be used as follows:

- (a) 70% for schools;
- (b) 23% for roads;
- (c) 2% for public libraries; and
- (d) 5% for parks and recreational facilities, public safety, water and sewer infrastructure, and agricultural land preservation.

8.04 The revenues from the building excise tax imposed on residential construction used for public libraries, water and sewer infrastructure, and parks and recreation may only be used for the capital costs of public works, improvements, and facilities.

8.05 The revenues from the building excise tax imposed on residential construction used for schools may only be used for the capital costs required to accommodate new construction or development in the County.

8.06 At the end of a fiscal year, any unspent or unencumbered balance in the special fund shall remain in the fund, available for use in future fiscal years for purposes specified in this subsection, and does not revert to the general fund of Washington County.

8.07 Capital costs include the costs of land acquisition for public works, improvements, facilities, and schools.

## **9. Municipalities.**

9.01 *Building excise tax applicable.* This building excise tax shall apply to all construction in Washington County, including construction within the boundaries of a municipal corporation.

9.02 *Collection of tax by a municipal corporation without an adequate public facilities ordinance.* This § 9.02 applies to a municipal corporation within Washington County that has not adopted an adequate public facilities ordinance with school adequacy tests substantially similar to or more stringent than the adequate public facilities ordinance adopted by the County Commissioners.

(a) A municipal corporation described in § 9.02 of this paragraph shall assist the County Commissioners in the collection of the building excise tax within the municipal corporation by:

- (i) Collecting the tax prior to the issuance of a building permit and remitting the tax monthly to the Director of Finance, but in no case more than 30 days after the end of the month during which it was collected, and shall deliver therewith a full and

accurate accounting of the collections in a format specified by the County; or

- (ii) Requiring the tax to be paid to the Director of Finance prior to the issuance of a building permit.

(b) The failure of a municipality to comply with the requirements of § 9.02(a)(i) shall disqualify that municipality from retaining any funds for administrative costs provided for in § 9.04 of this Ordinance for the period of non-compliance.

9.03 *Collection of tax by a municipal corporation with an adequate public facilities ordinance.* This § 9.03 applies to a municipal corporation within Washington County that has adopted an adequate public facilities ordinance with school adequacy tests substantially similar to or more stringent than the adequate public facilities ordinance adopted by the County Commissioners.

(a) For residential construction, the municipal corporation:

- (i) Shall assist the County Commissioners in the collection of that portion of the building excise tax that is dedicated to schools and public libraries as provided under § 8.03 of this Ordinance, by collecting and remitting that amount of the tax to the County Director of Finance; and
- (ii) May retain the remaining portion of the building excise tax.

(b) For nonresidential construction, the municipal corporation:

- (i) Shall assist the County Commissioners in the collection of 72% of the building excise tax on nonresidential construction by collecting and remitting that amount of the tax to the County Director of Finance; and
- (ii) May retain the remaining portion of the building excise tax.

(c) The municipal corporation is not required to retain any portion of the building excise tax as provided under § 9.03.

(d) Any portion of the building excise tax not retained by a municipal corporation under §§ 9.03(a)(ii) or 9.03(b)(ii) shall be remitted to the County Director of Finance monthly, but in no case more than 30 days after the end of the

month during which it was collected, and shall deliver therewith a full and accurate accounting of the collections in a format specified by the County. The failure of a municipality to comply with the requirements of § 9.03(d) shall disqualify that municipality from retaining any funds for administrative costs provided for in § 9.04 of this Ordinance for the period of non-compliance.

(e) The director of finance of a municipal corporation retaining any revenue from the building excise tax under §§ 9.03(a)(ii) or 9.03(b)(ii) shall deposit the revenues into a nonlapsing special fund.

(f) The revenues from the municipal corporation's special fund indicated in § 9.03(e) may only be used for the capital costs of public works, improvements, and facilities required to accommodate new construction for development of:

- (i) Roads;
- (ii) New construction or development of parks and recreational facilities;
- (iii) New construction or development of water and sewer infrastructure; and
- (iv) New construction or development of public safety facilities.

(g) At the end of a fiscal year, any unspent or unencumbered balance in the municipal corporation's special fund shall remain in the fund, available for use in future fiscal years for purposes specified in § 9.03(f) of this section, and does not revert to the general fund of the municipal corporation.

9.04 *Administrative fees for collection.*

(a) A municipal corporation that collects and remits the excise tax to the County Commissioners may deduct from the revenues collected a fee of two percent (2%) of the revenues remitted to the County Commissioners under this section, not including any portion retained pursuant to § 9.03, for administrative costs.

(b) If the municipal corporation can demonstrate to the satisfaction of the Board of County Commissioners that the direct administrative costs of collecting the building excise tax exceed the two percent (2%) rate authorized in the § 9.04(a), the Board, in its sole discretion, after receiving the recommendation of the Director of Finance, may authorize the municipal corporation to withhold all or any portion

of the direct administrative costs claimed for collecting the building excise tax remitted to the County Commissioners or may direct that the municipal corporation be reimbursed with the costs.

## 10. Appeals

10.01 *Administrative appeals.* An applicant aggrieved by a decision regarding the calculation of the amount of building excise tax, the granting or denial of an exemption, or otherwise interpreting or applying this building excise tax, may appeal the decision to the County Administrator within 30 days of the date of the written decision of the Director of Plan Review and Permitting, provided that either:

(a) Processing of the building permit is delayed pending the decision of the County Administrator; or

(b) The applicant pays the building excise tax prior to filing the appeal.

10.02 *Burden of proof.* The burden of proof shall be on the appellant to demonstrate that the decision of the Director of Plan Review and Permitting is erroneous.

10.03 *Procedures.* Appeals must be filed in writing with the County Administrator, with a copy of the appeal to the Office of the County Attorney, stating the grounds of the appeal. Appeals from any decision of the Director of Plan Review and Permitting under this Ordinance shall be *de novo*. The County Administrator shall hold such hearings as are necessary and may request additional information from the Appellant. The decision of the County Administrator shall be in writing and shall be rendered within a reasonable time.

10.04 *Judicial review.*

(a) Any party aggrieved by a decision of the County Administrator may file for judicial review of the decision in accordance with Maryland Rules 7-201, *et seq.*, provided that such appeal is filed within thirty (30) days of the date of the written decision of the County Administrator. This and all subsequent appeals shall be on the record of the decision of the County Administrator and may not be heard *de novo*.

(b) The decision of the Circuit Court may be appealed to the Court of Special Appeals or, upon certiorari, to the Court of Appeals in accordance with the Maryland Rules.

(c) The County Commissioners may file a responsive pleading and be a party to or file for judicial review in the Circuit Court, or take an appeal to the Court of Special Appeals or, upon certiorari, to the Court of Appeals, of any decision made under this Ordinance.

10.05 *Reports to the Board of County Commissioners.* The County Administrator shall immediately report to the Board of County Commissioners on appeals from decisions of the Director of Plan Review and Permitting including the issues raised, the decision, the decision on any further appeal, and any changes made to County policies and procedures as a result of the appeal.

## **11. Enforcement.**

11.01 *Misdemeanor.* It is unlawful for any person or entity to enlarge, alter or change any use of property or to erect, construct, enlarge, alter, repair, move, improve, make, put together, or convert any building in the County, or attempt to do so, or cause the same to be done, without first paying any building excise tax imposed by this Ordinance. Any person or entity who shall so violate this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined up to five hundred dollars (\$500.00) or imprisoned for up to thirty (30) days, or be both fined and imprisoned. Each day that the violation continues shall be deemed a separate offense.

11.02 *Action to enforce.* In the event the building excise tax is not paid as required, the Office of the County Attorney or its designee may institute an action to recover the building excise tax and enjoin the use of the property until the building excise tax is paid. The person who fails so to pay shall be responsible for the costs of such suit, including reasonable attorney's fees.

11.03 *Lien and enforcement same as County real property taxes.* If not paid as required by this Ordinance, the building excise tax shall automatically constitute a lien against the property being developed and shall be levied, collected, and enforced in the same manner as are County real property taxes, and shall have the same priority and bear the same interest and penalties as County real property taxes for lien purposes.

## **12. Annual reports.**

12.01 *Reports by the municipal corporations.*

(a) On or before September 30 of each year, each municipal corporation that retains revenues under § 9.03 of this Ordinance shall report annually to the Board of County Commissioners:

- (i) The amount of revenues the municipal corporation received and the number of single-family and multifamily residential units that generated these revenues;
- (ii) The amount of revenues remitted to the Board of County Commissioners and the amount retained by the municipal corporation; and
- (iii) A detailed accounting of how the revenues that were retained by the municipal corporation were distributed among the acceptable uses specified in § 9.03(f) of this Ordinance and the specific projects for which the revenues were used.

(b) The report prepared by each municipal corporation shall be based on the fiscal year ending on June 30 of the year the report is submitted.

12.02 *Reports by the Director of Finance.* The Director of Finance shall prepare and submit an annual report on or before November 30 of each year to the Board of County Commissioners that shall include the following information for the prior fiscal year:

- (a) The total amount of building excise taxes collected;
- (b) The amount of funds appropriated from the special excise tax fund;
- (c) The amount of funds expended from the special excise tax fund;
- (d) The amount of funds from County sources appropriated for each of the categories set forth in § 8 of this Ordinance; and
- (e) The funds remaining in the special excise tax fund.

12.03 *Reports by the Board of County Commissioners.* On or before December 31 of each year, the Board of County Commissioners shall:

- (a) Report to the members of the Washington County legislative delegation:
  - (i) The amount of revenues by school district that the Board of County Commissioners received from nonresidential building types, residential units, and the number and types of units that generated these revenues; and

- (ii) The manner in which the revenues were distributed among the acceptable uses specified in § 8 of this Ordinance and the specific projects for which the revenues were used.

(b) Submit to members of the Washington County legislative delegation the report prepared by each municipal corporation under § 12.01 of this Ordinance.

(c) The reports prepared by the Board of County Commissioners shall be based on the fiscal year ending on June 30 of the year the reports are submitted.

### **13. Agricultural land preservation**

13.01 Each fiscal year, the Board of County Commissioners shall encumber at least \$1,000,000 of local funds for agricultural land preservation.





## Agenda Report Form

---

### Open Session Item

**SUBJECT:** Application for Zoning Map Amendment RZ-22-002

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Travis Allen, Comprehensive Planner, Department of Planning and Zoning

**RECOMMENDED MOTION:** Approval of the partial termination of the Rural Business Zoning District (RB) at the subject property.

**REPORT-IN-BRIEF:** Application is being made to partially terminate an existing Rural Business floating zone through a rezoning map amendment.

**DISCUSSION:** The applicant JTA Investments, LLC seeks a map amendment for a property located at 21036 National Pike. An existing RB floating zone was established over the parcel in 2014, which formerly operated as the Family Recreation Park. The current proposal seeks to remove 5.64 acres of the RB floating zone to enable the applicant to pursue a residential use on this portion of the property. Most residential uses are not permitted within an RB Zoning District.

The factors to be considered in a request to partially terminate an existing RB zoning district are specified in Section 5E.8 of the Washington County Zoning Ordinance. The applicant must provide a written request as well as a detailed drawing showing surveyed metes and bounds of the requested change so as to determine the remaining limits of the RB floating zone district. The Board of County Commissioners may approve or deny the request without holding a public hearing.

This item was presented to the Washington County Planning Commission at their regular meeting on June 6, 2022. The members unanimously recommended approval of the proposed map amendment.

**FISCAL IMPACT:** N/A

**CONCURRENCES:** Washington County Planning Commission

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Staff report, Zoning Exhibit, Request Letter, and Planning Commission recommendation,

**AUDIO/VISUAL NEEDS:** none

## Application for Map Amendment Staff Report and Analysis

---

---

Property Owner(s)	:	JTA Investments, LLC
Applicant(s)	:	JTA Investments, LLC
Location	:	21036 National Pike, Hagerstown
Election District	:	#16 – Beaver Creek
Comprehensive Plan		
Designation	:	Agriculture
Zoning Map	:	64
Parcel(s)	:	P. 32
Acreage	:	19.27 acres (Lot 1 5.64 acres)
Existing Zoning	:	RB – Rural Business
Requested Zoning	:	A(R) – Agricultural, Rural
Date of Meeting	:	June 6, 2022

---

---

### I. Background Information

#### a. Location and Description of Subject Properties



The proposed rezoning site is located at 21036 National Pike where the highway intersects with Stottlemeyer Road. The total acreage of the current parcel is 19.27 acres, but only 5.64 acres are subject to this rezoning request.

The property is currently a composite of past and current land uses. Most of the infrastructure and amenities (mini golf course, go kart track, etc.) remain from the former Family Recreation Park that occupied the property for many years. The applicant has now, however, converted a portion of the parcel to Adkins Automotive auto repair shop.

Lot 1, proposed to be subdivided off the main parcel, is currently an undeveloped area in the rear of the site that was used a driving range previously.

**a. Rural Business Floating Zone Removal Criteria**

The applicant is requesting a partial termination of the Rural Business (RB) floating zone previously applied to the property in 2015 (RZ-14-002). Section 5E.8 of the Zoning Ordinance describes the criteria for the partial removal of the floating zone:

**b) Partial Termination**

*An individual property owner may submit a written request to the Planning Commission to remove a portion of the RB floating zone district from their property at any time. **The written request must be accompanied by a detailed drawing showing surveyed metes and bounds of the requested change so as to determine the limits of the RB floating zone district.** The Planning Commission shall review such a request at one of their regular meetings and make a recommendation to the Board of County Commissioners. The Board of County Commissioners may then approve or deny the request without a public hearing. Should the Board of County Commissioners approve the property owner's request to remove the RB floating district, the land will be restored to its underlying zoning district.*

**II. Staff Analysis and Conclusion:**

The applicant has met the criteria described above for the partial termination of the existing RB through the submission of a Zoning Exhibit prepared by Frederick, Seibert and Associates and an accompanying letter, dated May 17, 2022, describing their request. The Exhibit shows the metes and bounds of proposed 5.64 acre Lot 1. The accompanying letter then details the applicant's intentions to formally subdivide Lot 1 for the purposes of constructing a personal residence on the property.

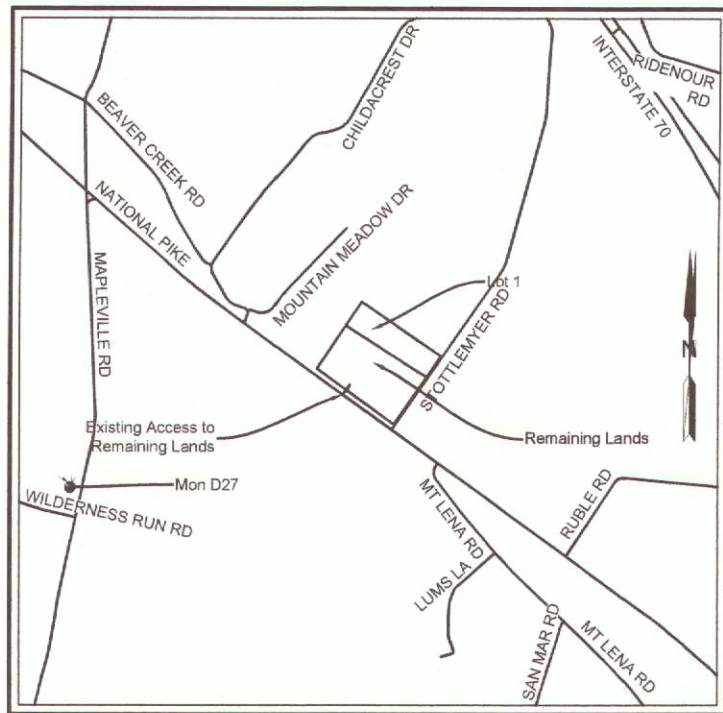
Most residential uses are not permitted by the current RB Zoning applied to the property, including the construction of a single family home. The partial termination of the existing RB district would therefore enable the intended residential use to occur. The applicant would merely need to meet the requirements of the underlying Agricultural Rural A(R) zoning already affixed to the property in developing a residential use at this location.

The requested change would therefore constitute a voluntary downzoning to a less intensive land use on roughly 1/3 of the total existing parcel. Accordingly, this intended switch to a less intensive use would be unlikely to negatively impact neighborhood character or public infrastructure in the area.

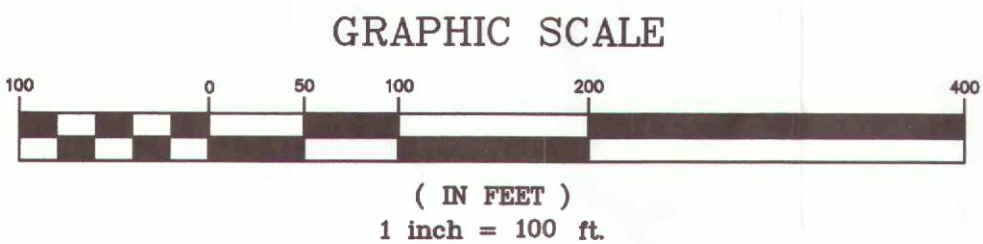
Respectfully Submitted,

Travis Allen  
Comprehensive Planner





VICINITY MAP  
SCALE 1"=2000'



( IN FEET )  
1 inch = 100 ft.

Notes:  
Parcel is currently zoned A(R) - Agricultural  
(Rural) with RB - Rural Business overlay

Owner:  
JTA Investments, LLC  
9920 Crystal Falls Drive  
Hagerstown MD 21740



FREDERICK SEIBERT & ASSOCIATES, INC.  
CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS  
© 2022  
128 SOUTH POTOMAC STREET  
HAGERSTOWN, MD 21740  
301.791.3850  
20 WEST POTOMAC STREET  
GREENCASTLE, PA 17225  
717.587.1007  
535 SOUTH HANOVER STREET  
CARLISLE, PA 17013  
717.701.8111  
8201 SPRING ROAD  
SHERMANDALE, PA 17080  
717.587.3880  
fsa-inc.com

Zoning Exhibit  
OF  
Lot 1  
FOR  
JTA Investments, LLC  
SITUATE ALONG THE NORTHWEST SIDE OF STOTTLEMEYER ROAD  
WASHINGTON COUNTY, MARYLAND

PROJECT NO.		8196.1
DWN BY	DATE	
LEJ	4.4.2022	
PROJECT MANAGER	EMAIL	
EJS	ESchreiber@fsa-inc.com	
PROPERTY INFORMATION		
64-7-32		
SCALE		
1" = 100'		
SHEET TITLE		

ZONING  
EXHIBIT  
R2-22-002  
SHEET 01 OF 01

Tanya Phillips & Jason Adkins  
9920 Crystal Falls Drive  
Hagerstown, MD 21740  
(240) 367-7307

May 17, 2022

Attn: Jill Baker  
JBaker@washco-md.net

Dear Ms. Baker,

Attached is the zoning exhibit that we're requesting the Rural Business (RB) overlay removed from the land shown as proposed lot 1.

Jason Adkins and I, Tanya Phillips, formed a Limited Liability Corporation under JTA Investments LLC and both of us personally will be the owners of the proposed lot 1. While proposed lot 1 is vacant of any improvements, we intend to go through the subdivision process and build a home as our personal residence. We understand that single family detached homes are not permitted in the RB district which therefore creates the need for this request. After the subdivision is approved we would convey to the lot from the LLC to Jason and I personally.

Respectfully,

A handwritten signature in black ink, appearing to read 'Tanya Phillips', followed by a circular stamp or mark.

Tanya Phillips





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

June 8, 2022

RZ-22-002

**APPLICATION FOR MAP AMENDMENT  
PLANNING COMMISSION RECOMMENDATION**

Property Owner(s)	:	JTA Investments, LLC
Applicant(s)	:	Same
Location	:	21036 National Pike
Election District	:	#16 – Beaver Creek
Comprehensive Plan Designation	:	Agriculture
Zoning Map	:	64
Parcel(s)	:	32
Acreage	:	19.27 acres (Lot 1 – 5.64 acres)
Existing Zoning	:	A(R) – Agricultural Rural with Rural Business (RB) floating zone
Requested Zoning	:	A(R) – Agricultural Rural
Date of Meeting	:	June 6, 2022

**RECOMMENDATION**

The Washington County Planning Commission took action at its regular meeting held on Monday, June 6, 2022 to recommend approval of Map Amendment RZ-22-002 to the Board of County Commissioners. The Commission considered the applicant's request to terminate the Rural Business floating zone on 5.64 acres of the 19.27-acre parcel in order to build a home next to their business. The Commission considered the applicant's supporting documentation and the Staff Report and Analysis.

Copies of the application packet, justification letter, and Staff Report and Analysis are attached.

Respectfully submitted,

Jill L. Baker, AICP  
Director, Washington County  
Department of Planning & Zoning

JLB/TAL/dse  
Attachments  
cc: Kirk Downey  
JTA Investments, LLC



Agenda Report Form

Open Session Item

**SUBJECT:** Fort Ritchie Gravity Lines & Manhole Replacement

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Mark D Bradshaw, PE, DEM Director

**RECOMMENDED MOTION:** Move to approve Change Order #4 for C. William Hetzer in the amount of \$51,929.00.

**REPORT-IN-BRIEF:** Adjust bid quantities to match field quantities.

**DISCUSSION:** To adjust the bid quantities to reflect actual field quantities. Please refer to attached change order for detail of individual bid adjustments.

**FISCAL IMPACT:** There are adequate funds in LIN046 to cover this change order.

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Change Order #4 with attachment

**AUDIO/VISUAL NEEDS:** N/A



**BOARD OF COUNTY COMMISSIONERS OF  
WASHINGTON COUNTY MARYLAND  
100 WEST WASHINGTON STREET, HAGERSTOWN, MARYLAND 21740-4735  
CHANGE ORDER**

TO: C. William Hetzer  
Consultant: 9401 Sharpsburg Pike  
Contractor: PO Box 506  
Vendor: Hagerstown, MD 21740-0506

Change Order No. 4 (Final) Purchase Order No. RQ 20132

Contract No. PUR - 1513 Oracle Account No. 515000-32-4201-LIN046-CNST00000

Project Title: Fort Ritchie Gravity Lines & Manhole Replacement Date: Jun 8, 2022

The contract time will: ☐ increase ☐ decrease ☒ remain the same by: 0 ☐ calendar days ☐ working days

Description of Change:

Adjust bid quantities to match field quantities.

Reason for Change:

To adjust the bid quantities to reflect Actual Field quantities. Please refer to attached spreadsheet for detail individual bid adjustments.  
Increase contract amount by \$51,929.00

The completion date, incorporating the changes included in this change order, is:	Sep 10, 2022
The original contract sum was:	\$359,455.00
Net changes by previous change orders:	\$13,425.00
Contract sum prior to this change order:	\$372,880.00
By this Change Order, the contract sum will be changed by:	\$51,929.00
The new contract sum including this change order will be:	\$424,809.00

The Consultant/Contractor/Vendor shall not commence with the work described hereon until this form is executed by all agents.

Consultant: [Signature]

Finance: [Signature]

Contractor/Vendor: Tony L Kerns

Purchasing: [Signature]

Approving Agency: Mark D Bradshaw

County Administrator: [Signature]

Outside County Entities: Please email the signed form to [ChangeOrder@washeo-md.net](mailto:ChangeOrder@washeo-md.net).

Fort Ritchie Gravity Sewer Lines & manhole Replacement  
Final Quantities

ITEM #	ITEM	UNIT PRICE	ITEM # ESTIMATED QUANTITY	ESTIMATED PAYMENT	ACTUAL FIELD QUANTITY	ACTUAL PAYMENT FOR QUANTITIES INSTALLED
1	Mobilization & Demobilization	\$ 17,500.00	1	\$ 17,500.00	1	\$17,500.00
2	Replacement of Manholes	\$ 3,400.00	17	\$ 57,800.00	17	\$57,800.00
3	Replacement of 8" SDR-26 Gravity Sewer	\$ 56.00	1280	\$ 71,680.00	1270	\$71,120.00
4	Replacement of 10" SDR-26 Gravity Sewer	\$ 64.00	1423	\$ 91,072.00	1409	\$90,176.00
5	Non-Paved Area Restoration	\$ 34.00	390	\$ 13,260.00	2,300	\$78,200.00
6	Paved-Area Restoration	\$ 62.00	1134	\$ 70,308.00	1,424	\$88,288.00
7	Curb Replacement	\$ 27.00	560	\$ 15,120.00	40	\$1,080.00
8	Inlet Replacement	\$ 3,860.00	3	\$ 11,580.00	0	\$0.00
9	Rehab Lining of Manhole	\$ 2,660.00	2	\$ 5,320.00	2	\$5,320.00
10	Filter Log	\$ 5.00	191	\$ 955.00	96	\$480.00
11	Existing Laterals	\$ 320.00	3	\$ 960.00	5	\$1,600.00
				\$ 355,555.00		\$411,564.00
C-1	Select Material for Backfill	\$ 48.00	50	\$ 2,400.00	10	\$480.00
C-2	Contingent Unsuitable Material Excavation	\$ 30.00	50	\$ 1,500.00	0	\$0.00
				\$ 3,900.00		480.00
CO #1	Remove Concrete Ductbank	\$ 20.00	150	\$ 3,000.00	150	\$3,000.00
CO #2	Concrete Encase Waterlines	\$ 440.00	20	\$ 8,800.00	19	\$8,140.00
CO #3	Remove & Reinstall Stormdrain	\$ 1,625.00	1	\$ 1,625.00	1	\$1,625.00
				\$ 13,425.00		12,765.00
				\$ 372,880.00		\$ 424,809.00
Increase in Contract Amount		\$ 51,929.00				

Public Packet

Open Session Item

**SUBJECT:** Contract Award (PUR-1553) – Engineering Services Requirements Contract for the Department Solid Waste

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Brandi Naugle, CPPB, Buyer and David Mason, P.E., Deputy Director, Department of Solid Waste

**RECOMMENDED MOTION:** Move to award a *primary* requirements contract for the Engineering Services for Department Solid Waste to the responsive, responsible proposal with the lowest price proposal amount at the specified unit costs and estimated hours (no minimum or maximum guaranteed); and, as permitted in the Request for Proposals, a “*stand-by list*” of consultants.

**REPORT-IN-BRIEF:** The services under this contract consist of providing engineering support by qualified engineering consultant firms to perform engineering services for Solid Wastes projects in the six-year Washington County Capital Improvement Plan (CIP) and general operating budget and unanticipated emergencies. The duration of the contract shall be for a period of two (2) years, with an option by the County to renew for up to three (3) additional one (1) year periods. Under the terms of the contract, other political jurisdictions within the County may utilize the services provided as a result of this contract. This is a requirements contract; therefore, services will be utilized on an as-needed basis at the respective hourly unit prices for each discipline with no guarantee of a maximum or minimum number of hours.

Project assignments will be issued in two (2) distinct manners through this contract. Assignments with a fee of \$50,000 or less will be given to the designated responsive-responsible Consultant with the lowest price proposal. Assignments with fees anticipated to exceed \$50,000 will have a defined scope of work specified and distributed to those firms deemed most qualified following in sequence of the lowest overall price proposal and offered on a stand-by list. The County intends to limit the stand-by list to a maximum of five (5) firms, one of which will be the designated responsive-responsible Consultant with the lowest overall price proposal. Assignment value will be determined when the Consultant applies the necessary man-hours and his standard rates to the individual assignment.

In order to determine which proposal offered the overall lowest cost to the County for this recommended contract award; each proposer submitted hourly rates for various employee classifications or positions. The lowest cost proposal was determined by applying the quoted rates to a position matrix that identified an approximate number of hours by position.

Notice of the Request for Proposal (RFP) was advertised (1) on the County's web site with access to downloading the RFP, (2) on the State's "eMaryland Marketplace" web site, and (3) in the local newspaper. There were thirty-nine (39) downloads of the RFP document from the County's website and six (6) firms were represented at the pre-proposal conference/teleconference. Three (3) firms responded with proposals. After evaluation of Qualifications & Experience submittals, three (3) firms were considered responsive, and their Price Proposals were opened and evaluated (see attached Price Proposal Matrix).

The Coordinating Committee was comprised of the following members: Director of Division of Environmental Management (Committee Chairman Designee), Director of Engineering Services, Deputy Director of Solid Waste, Deputy Director of Engineering, and the Buyer in the Purchasing Department.

**FISCAL IMPACT:** Funds are budgeted in various Capital Improvement Plan (CIP) and General Operating Budget project accounts for these services.

**CONCURRENCES:** Coordinating Committee

**ALTERNATIVES:** N/A

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** N/A



## Agenda Report Form

### Open Session Item

#### PUBLIC PACKET - NO ATTACHMENT

**SUBJECT:** Contract Award (PUR-1554) - Landfill Monitoring Services - Requirements Contract

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Rick Curry, CPPO – Director of Purchasing and David A. Mason, P.E., Deputy Director of Environmental Management – Department of Solid Waste

**RECOMMENDED MOTION:** Motion to award the contract to the responsive, responsible, proposer with the lowest total (annual) proposal amount for providing Landfill Monitoring Services.

**REPORT-IN-BRIEF:** The services under this contract consist of providing gas and water monitoring services at the five (5) landfill locations for the Department of Solid Waste. It is a requirements contract, utilized on an as-needed basis with no guarantee of minimum or maximum number units of services. The duration of the contract is for a period of two (2) years for these services with an option by the Board of County Commissioners of Washington County, Maryland (the “County”) to renew for up to three (3) additional, consecutive one (1) year periods. Extensions are subject to written approval by the County at least sixty (60) calendar days prior to the contract expiration date.

The Request for Proposal (RFP) was advertised in the local newspaper, on the State of Maryland’s web site, “*eMaryland Marketplace*”, and on the County’s web site. Thirty-seven (37) firms/persons accessed the RFP document from the County’s web site, and eight (8) firms were represented at the pre-proposal conference/teleconference. Three (3) proposals were received; three (3) proposals were deemed responsive, and their Price Proposals were opened as shown on the attached Price Proposal Matrix. The Coordinating Committee was comprised of the following members: County Director of Environmental Management (Chairman Designee), County Director of Purchasing, County Deputy Director of Environmental Management - Solid Waste, Superintendent of Landfill Operations and Recycling Coordinator/Operations Supervisor.

**DISCUSSION:** N/A

**FISCAL IMPACT:** Funds are budgeted in the department’s operating budget for these services.

**CONCURRENCES:** Coordinating Committee

**ALTERNATIVES:** N/A

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** N/A

## Agenda Report Form

### Open Session Item

#### PUBLIC PACKET - NO ATTACHMENT

**SUBJECT:** Contract Award (PUR-1547) – Division of Environmental Management - Engineering Services Requirements Contract

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Rick Curry, CPPO, Director of Purchasing and Mark Bradshaw, P.E., Division Director, Environmental Management

**RECOMMENDED MOTION:** Move to award a *primary* requirements contract for the Division of Environmental Management - Engineering Services for the responsive, responsible proposal with the lowest price proposal amount at the specified unit costs and estimated hours (no minimum or maximum guaranteed); and, as permitted in the Request for Proposals, a “*stand-by list*” of consultants.

**REPORT-IN-BRIEF:** The services under this contract consist of providing engineering support by qualified engineering consultant firms to perform engineering services for DEM projects in the six-year Washington County Capital Improvement Plan (CIP) and general operating budget and unanticipated emergencies. The duration of the contract shall be for a period of two (2) years, with an option by the County to renew for up to three (3) additional one (1) year periods. Under the terms of the contract, other political jurisdictions within the County may utilize the services provided as a result of this contract. This is a requirements contract; therefore, services will be utilized on an as-needed basis at the respective hourly unit prices for each discipline with no guarantee of a maximum or minimum number of hours.

Project assignments will be issued in two (2) distinct manners through this contract. Assignments with a fee of \$50,000 or less will be given to the designated responsive-responsible Consultant with the lowest price proposal. Assignments with fees anticipated to exceed \$50,000 will have a defined scope of work specified and distributed to those firms deemed most qualified following in sequence of the lowest overall price proposal and offered on a stand-by list. The County intends to limit the stand-by list to a maximum of five (5) firms, one of which will be the designated responsive-responsible Consultant with the lowest overall price proposal. Assignment value will be determined when the Consultant applies the necessary man-hours and his standard rates to the individual assignment.

In order to determine which proposal offered the overall lowest cost to the County for this recommended contract award; each proposer submitted hourly rates for various employee classifications or positions. The lowest cost proposal was determined by applying the quoted rates to a position matrix that identified an approximate number of hours by position.

Notice of the RFP was advertised (1) on the County’s web site with access to downloading the RFP, (2) on the State’s “eMaryland Marketplace” web site, and (3) in the local newspaper. There

were one hundred fifty (150) downloads of the RFP document from the County's website and eighteen (18) firms were represented at the pre-proposal conference/teleconference. Six (6) firms responded with proposals. After evaluation of Qualifications & Experience submittals, Six (6) firms were considered responsive, and their Price Proposals were opened and evaluated (see attached Price Proposal Matrix).

The Coordinating Committee was comprised of the following members: Director of Division of Environmental Management (Committee Chairman Designee), Director of Engineering Services, Deputy Director of Solid Waste, Deputy Director of Engineering, and the Director of Purchasing.

**FISCAL IMPACT:** Funds are budgeted in various Capital Improvement Plan (CIP) and General Operating Budget project accounts for these services.

**CONCURRENCES:** Coordinating Committee

**ALTERNATIVES:** N/A

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** N/A



## Agenda Report Form

### Open Session Item

**SUBJECT:** Intergovernmental Cooperative Purchase (INTG-22-0089) - Two (2) New 2023 Compact Vehicles

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Rick F. Curry, Director of Purchasing and Mark Bradshaw, P.E., Division Director, Environmental Management (DEM)

**RECOMMENDATION:** To authorize the purchase by Resolution, for the Division of Environmental Management to purchase two (2) new 2022 Chevrolet Colorado pickups in the amount of \$26,423 each, total cost of \$52,846 from Sport Chevrolet Co., Inc., of Silver Spring, MD and to utilizing another jurisdiction's contract that was awarded by the State of Maryland (Contract #001B600427).

**REPORT-IN-BRIEF:** DEM is requesting to purchase two (2) compact vehicles to replace two (2) vehicles that exceed the County's Vehicle and Equipment Types and Usage Guidelines. The County initiated the Vehicle and Equipment Types and Usage Guidelines in 2001. The County's replacement guidelines for vehicles less than 19,500 lbs. GVWR is recommended at a ten (10) year economic life cycle. The replaced trucks were sold on GovDeals.com.

The Code of Public Laws of Washington County, Maryland (the Public Local Laws) 1-106.3 provides that the Board of County Commissioners may procure goods and services through a contract entered into by another governmental entity, in accordance with the terms of the contract, regardless of whether the County was a part to the original contract. If the Board of County Commissioners determines that participation by Washington County would result in cost benefits or administrative efficiencies, it could approve the procurement of the equipment in accordance with the Public Local Laws referenced above that participation would result in cost benefits or in administrative efficiencies.

The County will benefit with the direct cost savings in the purchase of this equipment because of economies of scale this contract has leveraged. Additionally, the County will realize savings through administrative efficiencies as a result of not preparing, soliciting and evaluating a bid. Acquisition of these vehicles by utilizing the State of Maryland contract and eliminating our county's bid process would result in an administrative and cost savings for the Division of Emergency Services and Purchasing Department in preparing specifications

**DISCUSSION:** N/A

**FISCAL IMPACT:** Funds are budgeted in the Department of Water Quality's Capital Improvement Plan (CIP) account 37-40010-VEH.

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Sport Chevrolet Co., Inc. quote dated June 6, 2022





Tony Rhodes  
Sport Chevrolet Co Inc  
3101 Automobile Blvd  
Silver Spring, MD 20904  
240-560-5375  
301-674-8206 Cell

John Swauger  
Washington County

06/07/2022

State of Maryland BPO 001B1600427  
Type 5-1 Compact Pickup Truck 4WD

Base:	\$25488.00
Convenience Group:	\$530.00
Includes: Cruise Control, Remote Keyless Entry, Theft Deterrent System, Locking Tailgate and EZ Lift Tailgate	
2 Extra Keys:	\$165.00
Rear Seat:	\$240.00
Total:	\$26423.00

Tony Rhodes



## Agenda Report Form

### Open Session Item

**SUBJECT:** Sole Source Procurement Award (PUR-1561) - Family Centered Support Services in Washington County, Maryland

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Rick F. Curry, CPPO, Director of Purchasing and Rachael Souders, Senior Grant Manager, Office of Grant Management

**RECOMMENDED MOTION:** Move to award a Sole Source procurement to the Washington County Department of Social Services in the amount of \$88,800 for Operating expenses of the Family Center operated by the Washington County Department of Social Services (WCDSS) contingent upon contract approval and the subsequent funding award from the Maryland Governor's Office of Crime Prevention, Youth, and Victim Services and was approved by the Washington County Local Management Board at its meeting on March 18, 2022.

**REPORT-IN-BRIEF:** The purpose of the service to be provided is to fulfill the requirements contained in a Community Partnership Agreement to be entered into and dated on or about July 1, 2022, by and between the Board of County Commissioners of Washington County, Maryland and the State of Maryland acting through the Sub-Cabinet for Children, Youth and Families which, in turn, is acting through the Washington County Office of Grant Management (OGM). The contract is for a one-year period commencing July 1, 2022 and ending June 30, 2023. It is the intent of the Local Management Board supported by the contract with the Governor's Office of Crime Prevention, Youth, and Victim Services to support the operations of the Family Center to provide Family Centered Support Services which is operated by the Washington County Department of Social Services.

**DISCUSSION:** The OGM wishes to apply Section 1-106.2(a)(1) of the Code of Local Public Laws of Washington County, Maryland, to the procurement requested. This section states that sole source procurements are authorized and permissible when: (1) Only one source exists that meets the County's requirements.

This request requires the approval of four (4) of the five (5) Commissioners in order to proceed with a sole source procurement. If approved, the following remaining steps of the process will occur as outlined by the law: 1) Not more than ten (10) days after the execution and approval of a contract under this section, the procurement agency shall publish notice of the award in a newspaper of general circulation in the County, and 2) An appropriate record of the sole source procurement shall be maintained as required.

**FISCAL IMPACT:** The total funding allocated is \$88,800. No county funds are being requested.

**CONCURRENCES:** The Local Management Board recommends this award.

**ALTERNATIVES:** N/A

**ATTACHMENTS:** "Scope of Work" excerpt from the Request for Proposal

**AUDIO/VISUAL TO BE USED:** N/A

Family Centered Support Services  
Washington County Family Center / Washington County Department of Social Services  
Scope of Work for services provided July 1, 2022 thru June 30, 2023

The purpose of this contract is to support additional personnel at the Washington County Family Center ("WCFC") in order to provide all the services of the WCFC to additional at-risk parents and their children. The WCFC in collaboration with the Washington County Board of Education and Hagerstown Community College provides on-site childcare for young children (generally up to age 4) of parents who are enrolled in classes at the WCFC to complete their high school diploma, General Equivalency Diploma, or Maryland External Diploma. Programs at the WCFC include education on parenting and life skills provided through the National Nurturing Program curriculum, home visiting services, transportation, and case management services. The WCFC offers childcare within its facility while parents attend classes. Childcare is a critical service component of the WCFC and its availability often determines how many program participants can be enrolled in educational classes and other services.

The WCFC childcare staff who are supported by funds under this Contract shall receive training as required by the WCFC and the State of Maryland childcare regulations. Childcare staff shall also implement the Ages and Stages Questionnaire assessment tool at the required intervals with the parents of each child served. Children with suspected developmental delays shall be referred for early intervention services as appropriate.

The target population for this program is parents of young children who do not have a high school diploma and pregnant or parenting teens at risk for dropping out of high school. In addition, newborns to four-year-old children shall receive developmentally appropriate childcare and developmental screenings.



## Agenda Report Form

---

### Open Session Item

**SUBJECT:** Sole Source Contract Award (PUR-1562) – Provision of Healthy Families Home Visiting Services in Washington County, Maryland

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Rick F. Curry, CPPO, Director of Purchasing and Rachael Souders, Senior Grant Manager for the Office of Grant Management (OGM)

**RECOMMENDED MOTION:** Move to award a Sole Source contract to the Washington County Health Department in the amount of \$271,386 for Operating expenses of the Healthy Families Home Visiting Program operated by the Washington County Health Department (WCHD); contingent upon contract approval and the subsequent funding award from the Maryland State Department of Education (MSDE) and was approved by the Washington County Local Management Board at its meeting on May 20, 2022.

**REPORT-IN-BRIEF:** The Healthy Families Home Visiting Program is a comprehensive program modeled after a nationally renowned initiative. The goals of the program are to prevent child maltreatment through early intervention, promote healthy growth, development and strengthening the parent-child relationship. It is the intent of the Local Management Board supported by the contract with the Maryland State Dept of Education to support the operations of the Program to provide Home Visiting Services which is operated by the Washington County Health Department.

The contract is for a one (1) year period tentatively commencing July 1, 2022 and ending June 30, 2023. It is the intent of the Local Management Board supported by the contract with the Governor's Office of Crime Prevention, Youth, and Victim Services to support the operations of the Family Center to provide Family Centered Support Services which is operated by the Washington County Health Department.

**DISCUSSION:** The OGM wishes to apply Section 1-106.2(a)(1) of the Code of Local Public Laws of Washington County, Maryland, to the procurement requested. This section states that sole source procurements are authorized and permissible when: (1) Only one source exists that meets the County's requirements.

This request requires the approval of four (4) of the five (5) Commissioners in order to proceed with a sole source procurement. If approved, the following remaining steps of the process will occur as outlined by the law: 1) Not more than ten (10) days after the execution and approval of a contract under this section, the procurement agency shall publish notice of the award in a newspaper of general circulation in the County, and 2) An appropriate record of the sole source procurement shall be maintained as required.

**FISCAL IMPACT:** The Washington County Office of Grant Management, on behalf of the Local Management Board, is receiving \$271,386.00 in funding from the Maryland State Department of Education, Division of Special Education/Early Intervention Services in fiscal year 2023 for the

provision of Home Visiting/Healthy Families Services. No county funds are associated with this award.

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** “Scope of Work” excerpt from the Request for Proposal

**AUDIO/VISUAL TO BE USED:** N/A

## SCOPE OF WORK

### A. Overview of the Healthy Families Home Visiting Model Program

1. Healthy Families (HF) is a national model program designed to help expectant and new parents get their children off to a healthy start. HF programs offer voluntary and free home visiting services to parents facing multiple challenges (e.g. elements that would add stressors to any home: single parent status, low income, substance abuse problems, victim of abuse or domestic violence, teen parenting, etc.) so that they have the support they need to better care for their children.
2. The goals of the program are:
  - To promote positive parenting
  - To enhance child health and development
  - To prevent child abuse and neglect
3. Healthy Families is built on a set of 12 research-based Critical Elements that provide a benchmark in which quality is measured. For additional information on the HFA Critical Elements, see [www.healthyfamiliesamerica.org](http://www.healthyfamiliesamerica.org).
4. Staffing is a critical component of all HF programs, which places a high priority on recruiting highly qualified staff who not only have direct service experience, but who also have strong interpersonal and communication skills and a willingness to work with families from culturally diverse backgrounds. Historically, HF staff often possess college degrees or have attended some college courses.
5. The HF program model has a strong emphasis on training in order to ensure delivery of quality services. HF program staff must complete the required trainings of the program model including:

**Primary Training** – establishes a framework for understanding the program and instructs staff in their specific roles as Family Assessment Workers (FAWs), Family Support Workers (FSWs), Supervisors and Program Managers.

**Wraparound Training** - complements primary training and covers the details of parent education and information on topics relevant to the needs of families in a specific community. HF program sites typically reach out to members of their own communities to fulfill these training needs.

**Prenatal Training** - gives service providers strategies for supporting families during the prenatal period. Based upon best practice standards, with a special focus on the psycho-social issues facing expectant parents, home visitors will learn how to help parents enhance prenatal bonding, stimulate brain development and reduce stress, thereby increasing healthy mother and baby birth outcomes.

6. Some of the core HF services provided include:
  - a. Ensuring families have a medical provider
  - b. Sharing information on children's developmental processes
    - c. Assisting families in identifying their baby's needs and obtaining certain resources
    - d. Supporting families in the home while they respond to their child's and their own needs
  - e. Sharing ideas on caring for babies, toddlers, and young children
    - f. Linking families with other resources in the community for assistance with job placement, identification of day care providers, etc.
    - g. Assisting families in following up with recommended immunization schedules and other medical concerns
    - h. Helping families feel more empowered and in turn more likely to take action when needed
7. Healthy Families programs have an assessment process where all families within the target population are systematically assessed by a trained staff member, either prenatally or within two weeks of the birth of a child. Programs typically work with hospitals, clinics, and other community agencies that serve pregnant women and/or new parents to provide assessment services. Assessments enable staff to identify family needs and refer them to supportive services.
8. The Healthy Families program in Washington County must obtain or maintain their Credentialed Status from Prevent Child Abuse America.
9. The Healthy Families' contractor must maintain program process and outcomes data in the most recent PIMS software available from Prevent Child Abuse America/Healthy Families America. The following outcome data measures are the minimum targets expected of the selected Contractor.
  - a. 90% of families who enroll during 1<sup>st</sup> or 2<sup>nd</sup> trimester will have a child weighing 2500 grams or greater at birth
  - b. 90% of all target children will be current with immunizations through age 2 as recommended by AAP
  - c. 100% of target children will be screened for developmental delays at a minimum of semi-annually through age 2 and annually thereafter



- d. 90% of children will be developing on target
- e. 100% of children with suspected developmental delay will be referred to MITP or Child Find
- f. 95% of families will access information and activities designed to promote positive parent-child interaction and child development skills
- g. 95% of families will access information and activities designed to promote positive health and safety practices

These measures may be revised at the discretion of the OGM and the MSDE.

#### B. Parameters of the Award of Funds

1. The award of funds for Healthy Families Home Visiting Services will begin on July 1, 2022 and end June 30, 2023 with an option by the OGM to renew the awarded Contractor for up to two (2) consecutive one-year periods through fiscal year 2016.
2. Renewal of this contract is at the discretion of the OGM and LMB acting on behalf of the BCC and is contingent upon the following: 1) the continual award of funds from MSDE, 2) the performance of the contractor and 3) the goals/outcomes desired from MSDE.

### III. POPULATION SERVED

HF programs offer home visiting services to parents facing multiple stressors including single parenting, low-income families, families with substance abuse problems, victims of abuse or domestic violence, etc. Due to funding limitations, programs should narrow their target population to a particular geographic region, or a specific group based upon economic or other relevant risk factors.



## Agenda Report Form

---

### Open Session Item

**SUBJECT:** Emergency Rental Assistance Program (ERAP) Additional Funding

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Rachel Souders, Senior Grant Manager, Office of Grant Management; and George Newman III, President and CEO, Washington County Community Action Council

**RECOMMENDED MOTION:** Move to approve acceptance of additional ERAP Funding from the Department of Housing & Community Development.

**REPORT-IN-BRIEF:** Since May 2021, Washington County has been awarded \$17,238,588 from the Department of Housing and Community Development (DHCD) under the Emergency Rental Assistance Program (ERAP). Due to additional Program funds becoming available for allocation and demonstrated need in our county, the DHCD plans to award Washington County an additional \$4 million. This is expected to be the final distribution of ERAP funding, and brings our County total to \$21,238,588.

**DISCUSSION:** The DHCD grants ERAP funding to Washington County in order to ensure housing stability for families and individuals at risk of and currently experiencing homelessness due to the Covid-19 pandemic. This additional funding will allow our subrecipient, the Washington County Community Action Council (WCCAC), to continue aiding members in our community who are still suffering from the effects of the pandemic. As this is the final allocation of ERAP funding, the WCCAC is guiding residents towards self-sufficient housing stability.

If accepted, our existing grant agreement will be amended, so a subsequent grant application will not be required. In addition, the Subrecipient agreement with WCCAC would be amended to reflect the increased funding.

**FISCAL IMPACT:** Will provide \$4,000,000 in additional funding for the WCCAC to distribute to Washington County residents in need of assistance to pay their rent and/or utilities as a result of the Covid-19 pandemic.

**CONCURRENCES:** Susan Buchanan, Director, Office of Grant Management

**ALTERNATIVES:** Deny request to accept funding.

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** N/A



## Agenda Report Form

---

### Open Session Item

**SUBJECT:** Police Accountability, Community, and Transparency Grant Program – Approval to Submit Application and Accept Awarded Funding

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Cody Miller, Quartermaster/Grants Manager, Washington County Sheriff's Office and Rachel Souders, Sr. Grant Manager, Office of Grant Management

**RECOMMENDED MOTION:** Move to approve the submission of the grant application for the FY23 Police Accountability, Community, and Transparency Grant Program to the Governor's Office of Crime Prevention, Youth, and Victim Services in the amount of \$67,500 and accept funding as awarded.

**REPORT-IN-BRIEF:** The Washington County Sheriff's Office FY 2023 Police Accountability, Community, and Transparency grant program provides virtual reality simulators for law enforcement training; which prepares law enforcement officers for real-life incidents so they, and the communities they serve, remain safe. The Sheriff's Office is requesting \$67,500 in funding to provide law enforcement within Washington County with training solutions that are capable of replicating the conditions necessary for officers to master the extremely specific psycho-physiological response needed for effective policing.

**DISCUSSION:** The Office of Grant Management has reviewed the grant funding guidelines. Matching funds or in-kind support is not required for this program.

**FISCAL IMPACT:** If awarded, the Sheriff's Office will be able to purchase training equipment that may not have fit into the department's budget.

**CONCURRENCES:** Susan Buchanan, Director, Office of Grant Management

**ALTERNATIVES:** Deny approval for submission of this request

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** N/A



## Agenda Report Form

---

### Open Session Item

**SUBJECT:** Housing Authority of Washington County, MD – Cooperation Agreement

**PRESENTATION DATE:** June 28, 2022

**PRESENTATION BY:** Kirk C. Downey, County Attorney

**RECOMMENDED MOTION:** I move to dissolve the Cooperation Agreement dated March 17, 1981, between the Housing Authority of Washington County, Maryland and Board of County Commissioners of Washington County.

**REPORT-IN-BRIEF:** The Housing Authority has requested dissolution of the Cooperation Agreement.

**DISCUSSION:** In 1981, the Housing Authority and the Board of County Commissioners entered into a Cooperation Agreement which, among other things, provides for payments in lieu of taxes for certain real and personal property that is subject to the agreement. Since 1981, many circumstances have changed which obviate the need for the Cooperation Agreement. The most-important change is that the Housing Authority's properties that are subject to the Agreement have been classified as exempt by the State Department of Assessments and Taxation. Therefore, the Housing Authority has requested dissolution of the Cooperation Agreement and discontinuance of the payment in lieu of taxes.

**FISCAL IMPACT:** Loss of PILOT payments

**CONCURRENCES:** Treasurer

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Correspondence; Cooperation Agreement; proposed Dissolution Agreement

**AUDIO/VISUAL NEEDS:** N/A

# H.A.W.C.

Housing Authority of Washington County, MD  
319 East Antietam Street, 2nd Floor Hagerstown, MD 21740

P 301.791.3168 F 301.791.2755 [www.hawcmd.org](http://www.hawcmd.org)

*Opens Doors*

June 17, 2022

Washington County Maryland Board of County Commissioners  
c/o Mr. Kirk C. Downey, County Attorney  
100 West Washington Street, Suite 1101  
Hagerstown, MD 21740

RE: HAWC PILOT

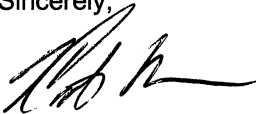
Dear Mr. Downey and Commissioners:

The Housing Authority of Washington County, MD (HAWC) respectfully requests the dissolving of the Cooperation Agreement between the Washington County Board of County Commissioners and HAWC.

Since the execution of the Agreement in 1981, the status of the properties now owned by HAWC is tax exempt eliminating the need for payment in lieu of taxes.

Thank you for your attention to this matter.

Sincerely,



Keith McMunn, Finance Manager  
cc: Corinne Guglielmini, Executive Director  
HAWC Board of Commissioners



### Cooperation Agreement

This Agreement entered into this 17th day of March, 1981, by and between the Housing Authority of Washington County, Maryland, (herein called the "Local Authority") and the Board of County Commissioners of Washington County (herein called the "County"), witnesseth:

In consideration of the mutual covenants hereinafter set forth, the parties hereto do agree as follows:

1. Whenever used in this Agreement:

(a) The term "Project" shall mean any low-rent housing hereafter developed or acquired by the Local Authority with financial assistance of the United States of America acting through the Secretary of Housing and Urban Development (herein called the "Government"); excluding, however, any low-rent housing project covered by any contract for loans and annual contributions entered into between the Local Authority and the Government, or its predecessor agencies, prior to the date of this Agreement.

(b) The term "Taxing Body" shall mean the State or any political subdivision or taxing unit thereof in which a Project is situated and which would have authority to assess or levy real or personal property taxes or to certify such taxes to a taxing body or public officer to be levied for its use and benefit with respect to a Project if it were not exempt from taxation.

(c) The term "Shelter Rent" shall mean the total of all charges to all tenants of a Project for dwelling rents and nondwelling rents (excluding all other income of such Project), less the cost to the Local Authority of all dwelling and nondwelling utilities.

(d) The term "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health, or morals.

2. The Local Authority shall endeavor (a) to secure a contract or contracts with the Government for loans and annual contributions covering one or more Projects as identified in Washington County's Housing Assistance Plan which acknowledges the assisted housing needs and goals of the community and which is approved by the County. Tables 3 and 5 of the Housing Assistance Plan in effect for Washington County as of the date of this Agreement are attached as Appendix A of this Agreement and may be revised through approval or amendment of the Housing Assistance Plan as necessary by the County, however, prior to submittal of any project to the Government, the local Authority shall seek approval of the project by the County, and such approval shall be recorded by a motion of the Board of County Commissioners of Washington County in their official minutes. Such approval of a project shall be as shown in an official excerpt from the minutes, to be attached as Appendix B of this Agreement and may be added to from time to time without amendment to this Agreement, and (b) to develop or acquire and administer such Project or Projects, each of which shall be located within the corporate limits of the County. The obligations of the parties hereto shall apply to each such Project.

3. (a) Under the constitution and statutes of the State of Maryland, all Projects are exempt from all real and personal property taxes (and special assessments) levied or imposed by any Taxing Body. With respect to any Project, so long as either (i) such project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the Government for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the Government in connection with such Project remain unpaid, whichever

period is the longest, the County agrees that it will not levy or impose any real or personal property taxes (or special assessments) upon such Project or upon the Local Authority with respect thereto. During such period, the Local Authority shall make annual payments (herein called "Payments in Lieu of Taxes") in lieu of such taxes (and special assessments) and in payment for the public services and facilities furnished from time to time without other cost or charge for or with respect to such Project.

(b) Each annual Payment in Lieu of Taxes shall be made after the end of the fiscal year established for such Project, and shall be in an amount equal to either (i) ten percent (10%) of the Shelter Rent charged by the Local Authority in respect to such Project during such fiscal year or (ii) the amount permitted to be paid by applicable State law in effect on the date such payment is made, whichever amount is the lower.

(c) The County shall distribute the Payments in Lieu of Taxes among the Taxing Bodies in the proportion which the real property taxes which would have been paid to each Taxing Body for such year if the Project were not exempt from taxation bears to the total real property taxes which would have been paid to all of the Taxing Bodies for such year if the Project were not exempt from taxation; Provided, however, that no payment for any year shall be made to any Taxing Body in excess of the amount of the real property taxes which would have been paid to such Taxing Body for such year if the Project were not exempt from taxation.

(d) Upon failure of the Local Authority to make any Payment in Lieu of Taxes, no lien against any Project or assets of the Local Authority shall attach, nor shall any interest or penalties accrue or attach on account thereof.

4. During the period commencing with the date of the acquisition of any part of the site or sites of any Project and continuing so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the Government for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the Government in connection with such Project remain unpaid, whichever period is the longest, the County without cost or charge to the Local Authority or the tenants of such Project (other than the Payments in Lieu of Taxes) shall:

(a) Furnish or cause to be furnished to the Local Authority and the tenants of such Project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other dwellings and inhabitants in the County;

(b) In so far as the County may lawfully do so, vacate such streets, roads, and alleys within the area of such Project as may be necessary in the development thereof, and convey without charge to the Local Authority such interest as the County may have in such vacated areas; and, in so far as it is lawfully able to do so without cost or expense to the Local Authority or the County, cause to be removed from such vacated areas, in so far as it may be necessary, all public or private utility lines and equipment;

(c) In so far as the County may lawfully do so, (i) grant deviations from the building code of the County as are reasonable and necessary to promote economy and efficiency in the development and administration of such Project, and at the same time safeguard health and safety, and (ii) make changes in any zoning of the site and surrounding territory of such Project as are reasonable and necessary for the development and protection of such Project and the surrounding territory;

(d) Accept grants of easements necessary for the development of such Project; and

(e) Cooperate with the Local Authority by such other lawful action or ways as the County and the Local Authority may find necessary in connection with the development and administration of such Project.

5. In respect to any Project the County further agrees that within a reasonable time after receipt of a written request therefor from the Local Authority:

(a) It will accept the dedication of all interior streets, roads, alleys, and adjacent sidewalks within the area of such Project, together with all storm and sanitary sewer mains in such dedicated areas, after the Local Authority, at its own expense, has completed the grading, improvement, paving, and installation thereof in accordance with specifications acceptable to the County;

(b) It will accept necessary dedications of land for, and will grade improve, pave, and provide sidewalks for, all streets bounding such Project or necessary to provide adequate access thereto (in consideration whereof the Local Authority shall pay to the County such amount as would be assessed against the Project site for such work if such site were privately owned); and

(c) It will provide, or cause to be provided, water mains, and storm and sanitary sewer mains, leading to such Project and serving the bounding streets thereof (in consideration whereof the Local Authority shall pay to the County such amount as would be assessed against the Project site for such work if such site were privately owned).

6. If by reason of the County's failure or refusal to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or cause to be furnished to the Local Authority or to the tenants of any Project, the Local Authority incurs any expense to obtain such services or facilities then the Local Authority may deduct the amount of such expense from any Payments in Lieu of Taxes due or to become due to the County in respect to any Project or any other low-rent housing projects owned or operated by the Local Authority.

7. No Cooperation Agreement heretofore entered into between the County and the Local Authority shall be construed to apply to any Project covered by this Agreement.

8. No member of the governing body of the County or any other public official of the County who exercises any responsibilities or functions with respect to any Project during his tenure or for one year thereafter shall have any interest, direct or indirect, in any Project or any property included or planned to be included in any project, or any contracts in connection with such Projects or property. If any such governing body member or such other public official of the County involuntarily acquires or had acquired prior to the beginning of his tenure any interest, he shall immediately disclose such interest to the Local Authority.

9. So long as any contract between the Local Authority and the Government for loans (including preliminary loans) or annual contributions or both, in connection with any Project remains in force and effect, or so long as any bonds issued in connection with any Project or any monies due to the Government in connection with any Project remain unpaid, this Agreement shall not be abrogated, changed, or modified without the consent of the Government. The privileges and obligations of the County hereunder shall remain in full force and effect with respect to each Project so long as the beneficial title to such Project is held by the Local Authority or by any other public body or governmental agency, including the Government, authorized by law to engage in the development or administration or possession of, any Project is held by such other public body or governmental agency, including the Government, the provisions hereof shall inure to the benefit of and may be enforced by, such other public body or governmental agency, including the Government.



IN WITNESS WHEREOF the County and the Local Authority have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

Board of County Commissioners of Washington  
County

By: Martin L. Snook  
Martin L. Snook, President

(SEAL)

Attest:

William L. Short  
County Clerk

APPROVED AS TO FORM

THIS 3-17-81  
William L. Short  
ATTORNEY FOR THE COUNTY  
COMMISSIONERS FOR  
WASHINGTON COUNTY, MD.

Housing Authority of Washington County

By: Paul M. Horst, Jr.  
Paul M. Horst, Jr., Chairman

(SEAL)

Attest:

James G. Whit  
Secretary/Treasurer

## DISSOLUTION AGREEMENT

THIS DISSOLUTION AGREEMENT (*Agreement*), made this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between THE HOUSING AUTHORITY OF WASHINGTON COUNTY, MD, 319 East Antietam Street, 2<sup>nd</sup> Floor, Hagerstown, Maryland 21740 (*Housing Authority*), and the BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND, 100 West Washington Street, Ste. 1101, Hagerstown, Maryland 21740, a body corporate and politic and a political subdivision of the State of Maryland (*County*).

### RECITALS

A. The Housing Authority and the County entered into a Cooperation Agreement dated March 17, 1981.

B. The parties wish to dissolve the Cooperation Agreement.

**NOW, THEREFORE**, in consideration of the covenants, conditions, and agreements hereinafter expressed, the parties agree as follows:

1. The Cooperation Agreement is hereby dissolved and is of no further force or effect.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the day and year first above written.

ATTEST:

HOUSING AUTHORITY OF  
WASHINGTON COUNTY, MD

\_\_\_\_\_

BY: \_\_\_\_\_(SEAL)  
Corrine Guglielmini, Executive  
Director

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF  
WASHINGTON COUNTY, MARYLAND

\_\_\_\_\_  
Krista L. Hart, Clerk

BY: \_\_\_\_\_  
Jeffrey A. Cline, President

Approved as to form and legal sufficiency  
for execution by the County:

\_\_\_\_\_  
Kirk C. Downey  
County Attorney



## Agenda Report Form

---

### Open Session Item

**SUBJECT:** Agriculture – Faces of Farming Presentation

**PRESENTATION DATE:** Tuesday, June 28, 2022

**PRESENTATION BY:** Susan Grimes, Director, Department of Business Development

**RECOMMENDED MOTION:** N/A

**REPORT-IN-BRIEF:** “Faces of Farming” is an agricultural-focused video marketing campaign that will showcase two local Washington County farms every month, for one year. The “Faces of Farming” marketing videos will be showcased on the County’s website, as well as Facebook and other social media platforms, and will target a new industry and highlight a local farmer from that specific agricultural industry.

**DISCUSSION:** Washington County’s agricultural business represents the backbone of the County’s landscape. With over 900 operating family farms and \$153,725,000 in market value of products sold, agriculture is the largest economic driver in Washington County. The “Faces of Farming” marketing campaign will aim to educate residents in Washington County, along with the surrounding States and Counties, about the economic impact of the Ag industry. Additionally, these videos will be used for agricultural education to numerous streams around Washington County, such as, 4-H and FFA (Future Farmers of America) meetings, Ag Expo and Fair, and they will be available on the Washington County Ag App and website.

**FISCAL IMPACT:** N/A

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** Yes - Faces of Farming Videos: Shenandoah Jerseys of Boonsboro.