



100 West Washington Street, Suite 1101 | Hagerstown, MD 21740-4735 | P: 240.313.2200 | F: 240.313.2201  
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## **BOARD OF COUNTY COMMISSIONERS**

**November 1, 2022**

### **OPEN SESSION AGENDA**

- 10:00 AM     MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE  
                  CALL TO ORDER, *President Jeffrey A. Cline*  
                  APPROVAL OF MINUTES: *October 25, 2022*
- 10:05 AM     COMMISSIONERS' REPORTS AND COMMENTS
- 10:15 AM     STAFF COMMENTS
- 10:20 AM     CITIZEN PARTICIPATION
- 10:30 AM     PROCLAMATION FOR OPERATION GREEN LIGHT  
                  *Board of County Commissioners to Dana Burl, Program Director, Department of Veterans Affairs*

### ***Convene as the Board of Health***

- 10:40 AM     AWARD A ONE-YEAR CONTRACT FOR MOAHP (TRUE YOU MARYLAND) EDUCATIONAL SERVICES TO GIRLS, INC.  
                  *Earl Stoner, Health Officer, Washington County Health Department; Dan Triplett, Administrator, Washington County Health Department*

### ***Reconvene as the Board of County Commissioners***

- 10:45 AM     BOYS & GIRLS CLUB OF WASHINGTON COUNTY BUILDING CAMPAIGN UPDATE  
                  *Addie Nardi, CEO, Boys & Girls Club of Washington County*
- 10:55 AM     HOTEL RENTAL TAX REQUEST, HAGERSTOWN FIELD HOUSE  
                  *Susan Buchanan, Director, Grant Management; Rodney Tissue, City Engineer, City of Hagerstown; John Wack, Eastern Sports Management*
- 11:05 AM     BID AWARD (PUR- 1572) – SPECTROSCOPY UNIT  
                  *Brandi Naugle, Buyer, Purchasing; Eric Jacobs, Operations Manager – Fire/EMS, Emergency Services*
- 11:10 AM     SOLE SOURCE CONTRACT AWARD (PUR-1589) - MICROWAVE HOPS TO UPGRADE EXISTING MICROWAVE LINKS  
                  *Rick Curry, Director, Purchasing; Tom Weber, Deputy Director, Communications Wireless*

SOLE SOURCE CONTRACT AWARD (PUR-1588) – P25 RADIO SYSTEM MPLS  
AND IP SIMULCAST UPGRADE

*Rick Curry, Director, Purchasing; Tom Weber, Deputy Director, Communications  
Wireless*

11:15 AM APPLICATION FOR ZONING MAP AMENDMENT RZ-21-005  
*Kirk C. Downey, County Attorney*

11:20 AM 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; and To consult with counsel to obtain legal advice on a legal matter.)*

12:05 PM RECONVENE IN OPEN SESSION

ADJOURNMENT



## Agenda Report Form

### Open Session Item

**SUBJECT:** Operation Green Light Proclamation

**PRESENTATION DATE:** November 1, 2022

**PRESENTATION BY:** Board of County Commissioner to Dana Burl, Program Director, Department of Veterans Affairs

**RECOMMENDED MOTION:** N/A

**REPORT-IN-BRIEF:** Proclamation Presentation

WHEREAS, the residents of Washington County have great respect, admiration, and the utmost gratitude for all the men and women who have selflessly served our country and this community in the Armed Forces. The contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, approximately 200,000 service members transition to civilian communities annually and an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life and active military service members transitioning from military service are at high risk for suicide during their first year after military service; and

WHEREAS, National Association of Counties encourages all counties, parishes, and boroughs to recognize Operation Green Light for Veterans. Washington County appreciates the sacrifices of our military personnel and believes specific recognition should be granted.

NOW THEREFORE, We, the Board of County Commissioners of Washington County, Maryland, do hereby proclaim October through Veterans Day, November 11, 2022 a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from active service and encourage our citizens to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence.



## Board of County Commissioners Agenda Report

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### Washington County, Maryland

Open Session ✓

**NOTE:** The Board will need to convene as the *Board of Health* when considering this request.

**From:** Michelle Hutchinson, Purchasing – Washington County Health Department  
**Presentation By:** Earl Stoner, Deputy Health Officer, and Daniel Triplett, Administrator  
**Presentation Date:** November 1, 2022  
**Subject:** Award a one-year contract for MOAHP (True You Maryland) educational services to Girls, Inc.

**Recommendations:** (WCHD RFP-2022-05) Award a one year contract to Girls, Inc. to provide education to high school age students in Washington County consistent with the Positive Prevention Plus (3Ps) and to fund a Youth Advisory Board (YAB). The total amount of the award is \$141,560.00.

**Report-in-brief:** MOAHP (True You Maryland) is a grant that is targeted to high school age students in Washington County. The curriculum includes the Positive Prevention Plus (3P's), which is an evidence based intervention to promote comprehensive sexual health education and teen pregnancy prevention. There will also be parent/student workshops throughout the year. This grant also provides funding for a Youth Advisory Board (YAB) that will promote positive youth interactions with teens from a variety of schools and backgrounds. Girls, Inc. was the sole bidder for this procurement. The RFP was published on the eMaryland Marketplace and on the health department's website.

**Discussion:**

**Concurrences (If Applicable):**

**Fiscal Impact (If Applicable):** 100% of the funding for this contract is provided through a Maryland Department of Health MOAHP grant. No additional funding is being requested..

**Alternatives (If Applicable):**

**Attachments:**



**STATE OF MARYLAND**  
**MARYLAND DEPARTMENT OF HEALTH**  
**FY23 F788N - 0881**  
**Maryland Optimal Adolescent Health Program (MOAHP)**  
**True You Maryland**

THIS CONTRACT (the "Contract"), is made as of the	1st	day of	October	, 20	22	by and between
the STATE OF MARYLAND, acting through the MARYLAND DEPARTMENT OF HEALTH, Washington County Health Department ("Department"), and <a href="#">Girls Inc.</a>						
("Contractor") whose principal office in Maryland is						
<a href="#">626 Washington Ave., Hagerstown, MD 21740</a>						
and whose principal business address is						
<a href="#">Same</a>						
The parties agree as follows:						
<b>1. Scope of Contract.</b>						
(a) The Contractor shall provide the following goods or services:						
<ul style="list-style-type: none"> <li>• Participate in project planning, assessment, evaluation, and continuous quality improvement (CQI).</li> <li>• Participate in capacity self-assessment and youth-friendly services self-assessment and technical assistance.</li> <li>• Participate in professional development offerings</li> <li>• Participate in Evidence Based Intervention (EBI) curriculum training/refreshers.</li> <li>• Support the curriculum review and approval process with Washington County Public Schools</li> <li>• Support the implementation of EBI with fidelity and quality in high schools: co-facilitate EBI with public school teachers and/or lead facilitation, as needed; complete fidelity logs and participate in fidelity monitoring observations</li> <li>• Work with project partners to design, develop, and implement up to three programs for parents/caregivers/trusted adults annually.</li> <li>• Participate in the review of community services and programs to ensure they are culturally appropriate, age appropriate, medically accurate, and trauma-Informed, and submit program materials for review and revise based on results.</li> <li>• Coordinate a county-level systems team by recruiting members or leveraging existing community coalitions and using the systems thinking approach.</li> <li>• Distribute print and electronic resources to intended audiences (i.e., teachers, parents, students, other staff, etc.) and promote community programs including parent education programs.</li> <li>• Coordinate the Youth Advisory Board, including recruitment, supervision, and promotion of their activities (e.g., weekly or monthly podcast).</li> <li>• Support the establishment and implementation of linkages to care and referrals. Coordinate and host County-level Systems Team meetings (at least monthly, but can occur more frequently, as needed)</li> <li>• Establish a formal working relationship with Washington County Public Schools via a Memorandum of Agreement that includes specific expectations and deadlines, and provides funding for the schools to implement the EBI with fidelity and quality.</li> </ul>						

The scope of work or solicitation dated	xxx	is attached and incorporated by reference as Exhibit	x	The Contractor's bid or proposal dated	xxx	is attached and incorporated by references as Exhibit	x
Is any conflict between this Contract and any exhibits incorporated by reference, the terms of this contract shall govern. If there is any conflict among the Exhibits, the following order of precedence shall determine the prevailing provision: Exhibit A – the scope of work or solicitation and Exhibit B – the Contractor's bid or proposal.							
(b) <b>Changes.</b> This Contract may be amended only with the written consent of both parties. Amendments may not change significantly the scope of the Contract (including the Contract price).							
<b>2. Term of Contract.</b> The term of this Contract shall be for the period of							
	October 1st	, 20	22	through	June 30th	, 20	23
<b>3. Compensation and Method of Payment.</b>							
(a) <b>Compensation.</b> The total compensation for services to be rendered by the Contractor shall not exceed \$141,560.00							
(b) <b>Method of Payment.</b> The Department shall pay the Contractor no later than thirty (30) days after the Department receives a proper invoice from the Contractor. Charges for late payment of invoices, other than as prescribed by Title 15, Subtitle 1, State Finance and Procurement Article, Maryland Code, are prohibited.							
(c) <b>Tax Identification Number.</b> The Contractor's Federal Tax Identification Number is							
	23-7052207	The Contractor's Social Security Number is					
	(Individual Contractor Only). Contractor's Federal Tax Identification Number (or						
	Social Security Number – Individual Contractor Only) shall appear on all invoices submitted by the Contractor to the Department for payment.						
(d) <b>Invoicing.</b> All invoices for services shall be signed by the Contractor and submitted to the Procurement Officer. All invoices shall include the following information and sent to <a href="mailto:wchd.invoice@maryland.gov">wchd.invoice@maryland.gov</a> .							
(e) All invoices shall be submitted along with any supporting documentation to prove the expenses were incurred by the contractor. All invoices shall include the following information: <ul style="list-style-type: none"> <li>• Contractor name;</li> <li>• Remittance address;</li> <li>• Federal taxpayer identification number;</li> <li>• Invoice period;</li> <li>• Invoice date;</li> <li>• Invoice number</li> <li>• Goods or services provided; and</li> <li>• Amount due.</li> </ul>							
Invoices submitted without the required information and inclusive of the supportive documentation cannot be processed for payment until the Contractor provides the required information.							
<b>Supporting Documentation Requirements</b>							
The Washington County Health Department is required to ensure that all expenses disbursed under grant programs are made within the scope of the Condition of Awards and only appropriate expenses are reimbursed under the grant. As such, supporting documentation is required to support expenses invoiced under this contract. <ul style="list-style-type: none"> <li>• For reimbursement of salaries and related personnel costs, copies of payroll reports or other proof of payments/costs must be submitted along with the invoice. Reports must detail amounts paid to or on behalf of (salary and fringe costs) individual employees.</li> <li>• For equipment purchases that are approved under the grant award, originals or copies of receipts for the equipment must be submitted along with the invoice.</li> <li>• For any sub-contracted services allowable under the grant award, copies of invoices from the sub-contractors must be submitted along with the invoice. Sub-contracted services must be pre-approved by the Contract Monitor. Supportive documentation proving the costs and expenses of the sub-contractor will also need to be provided.</li> </ul>							

- For any supplies, utility costs, fuel purchases, or other expenses allowable for reimbursement under the grant award, copies of receipts or invoices must be submitted along with the invoice.

#### Onsite Visit/Audit

For service contracts, the Washington County Health Department, will perform one or more onsite visits to ensure that services provided by the contractor are consistent with this contract and any applicable conditions of award. This site visit may include a financial review to audit the accuracy of invoices and billed expenses. If a visit is made to ensure that a service is being performed at a specific time, it may be unannounced.

4.	<b>Procurement Officer.</b> The Department designates	<a href="#">Michelle Hutchinson</a>
	to serve as Procurement Officer for this Contract. All contact between the Department and the Contractor regarding all matters relative to this Contract shall be coordinated through the Procurement Officer.	
5.	<b>Disputes.</b> Disputes arising under this Contract shall be governed by State Finance and Procurement Article, Title 15, Subtitle 2, Part III, Annotated Code of Maryland, and by COMAR 21.10 Administrative and Civil Remedies. Pending resolution of a dispute, the Contractor shall continue to perform this Contract, as directed by the Procurement Officer.	
6.	<b>Termination for Convenience.</b> The State may terminate this Contract, in whole or in part, without showing cause upon prior written notification to the Contractor specifying the extent and the effective date of the termination. The State will pay all reasonable costs associated with this Contract that the Contractor has incurred up to the date of termination, and all reasonable costs associated with termination of the Contract. However, the Contractor may not be reimbursed for any anticipatory profits which have not been earned up to the date of termination. Termination hereunder, including the determination of the rights and obligations of the parties, shall be governed by the provisions of COMAR 21.07.01.12(A)(2).	
7.	<b>Termination for Default.</b> If the Contractor does not fulfill obligations under this Contract or violates any provision of this Contract, the Department may terminate the Contract by giving the Contractor written notice of termination. Termination under this paragraph does not relieve the Contractor from liability for any damages caused to the State. Termination hereunder, including the rights and obligations of the parties, shall be governed by the provisions of COMAR 21.07.01.11B.	
8.	<b>Termination for Non Appropriation.</b> If funds are not appropriated or otherwise made available to support continuation in any fiscal year succeeding the first fiscal year, this Contract shall be terminated automatically as of the beginning of the fiscal year for which funds are not available. The Contractor may not recover anticipatory profits or costs incurred after termination.	
9.	<b>Non-Discrimination in Employment.</b> The Contractor shall comply with the nondiscrimination provisions of federal and Maryland law, including, but not limited to, the employment provisions of §13-219 of the State Finance and Procurement Article, Maryland Code and Code of Maryland Regulations 21.07.01.08, and the commercial nondiscrimination provisions of Title 19, Subtitle 1, State Finance and Procurement Article, Maryland Code.	
10.	<b>Maryland Law Prevails.</b> The laws of Maryland shall govern the interpretation and enforcement of this Contract. The Maryland Uniform Computer Information Transactions Act (Commercial Law Article, Title 22 of the Annotated Code of Maryland) does not apply to this Contract or any software license acquired hereunder.	
11.	<b>Anti-Bribery.</b> The Contractor certifies that, to the Contractor's best knowledge, neither the Contractor; nor (if the Contractor is a corporation or partnership) any of its officers, directors, partners, or controlling stockholders; nor any employee of the Contractor who is directly involved in the business's contracting activities, has been convicted of bribery, attempted bribery, or conspiracy to bribe under the laws of any state or of the United States.	

IN WITNESS THEREOF, the parties have executed this Contract as of the date hereinabove set forth.		
CONTRACTOR		STATE OF MARYLAND MARYLAND DEPARTMENT OF HEALTH WASHINGTON COUNTY HEALTH DEPARTMENT
(Seal)		
By:		By:
Maureen Grove, Executive Director (Printed Name and Title)		Earl Stoner, Health Officer (Printed Name and Title)
Date		Date



## Agenda Report Form

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### Open Session Item

**SUBJECT:** Boys & Girls Club of Washington County Building Campaign Update

**PRESENTATION DATE:** 11/1/22

**PRESENTATION BY:** Addie Nardi, CEO, Boys and Girls Club of Washington County

**RECOMMENDED MOTION:** Move to approve the request to forgive back taxes owed on a property acquired by the Boys and Girls Club.

**REPORT-IN-BRIEF:** Representatives from BGCWC will be presenting to the Commissioners regarding our capital campaign and building project. We will also be asking the Commissioners to consider forgiving back taxes owed on a property that the club acquired as part of the building project.

**DISCUSSION:**

**FISCAL IMPACT:** As of July, 2022, the amount owed to the county for the taxes was approximately \$52,000.

**CONCURRENCES:** N/A

**ATTACHMENTS:** N/A



## Agenda Report Form

### Open Session Item

**SUBJECT:** Hotel Rental Tax Funding Request, Hagerstown Field House

**PRESENTATION DATE:** November 1, 2022

**PRESENTATION BY:** Susan Buchanan, Director, Office of Grant Management, Scott Nicewarner, City Administrator, Rodney Tissue, City Engineer, John Wack, Eastern Sports Management

**RECOMMENDED MOTION:** Move to approve the request for Hotel Rental Tax funding for the Hagerstown Field House in the amount of \$\_\_\_\_\_ for direct expenses associated with the project.

**REPORT-IN-BRIEF:** The City of Hagerstown has submitted a request for Hotel Rental Tax funding to assist with costs associated with the construction of the Hagerstown Field House, a multi-sport indoor facility. The amount of funding requested for this project is \$1,250,000 which would be issued in five annual disbursements of \$250,000.

**DISCUSSION:** The City of Hagerstown has submitted a Hotel Rental Tax Grant application requesting funding to assist with the cost of constructing the Hagerstown Field House, a two level multi-sport facility to be constructed at the site of the former Municipal Stadium. The project is a public/private partnership and will be owned by the City and operated by Eastern Sports Management (ESM). The amount of funding requested for this project is \$1,250,000 which would be issued in five annual disbursements of \$250,000.

The primary purpose of the facility is to provide a sports and recreation asset to area residents. In addition, the facility will generate sports tourism activity in our local market as presented in an Economic Impact report prepared by Impact DataSource of Austin, Texas. The report states the facility is expected to draw 27,648 out-of-town visitors each year. These out-of-town visitors are estimated to spend \$1,400,000 annually on lodging each year generating an average of \$110,000 in hotel rental taxes annually.

The total projected cost of the project is \$22,000,000. The remaining portion of the expenses will be paid with a combination of State and Federal grants, rental income, and funding from the City of Hagerstown (local funds and future bond funding).

The application has been reviewed by the Office of Grant Management and the project meets the goals of the Hotel Rental Tax grant program.

**FISCAL IMPACT:** The Hotel Rental Tax Fund balance will be reduced by the amount of this award. Current balance of the fund is \$973,307.

**CONCURRENCES:** N/A

**ALTERNATIVES:** Deny the applicant's request for Hotel Rental Tax Funding.

**ATTACHMENTS:** Hotel Rental Tax Funding Application, Hagerstown Field House Indoor Sports Facility Impact Analysis, 7-21-22

**AUDIO/VISUAL NEEDS:** N/A

Washington County, Maryland  
Hotel Rental Tax Funding  
Grant Application

100 West Washington Street  
Room 2200  
Hagerstown, Maryland 21740  
240-313-2040

Organization/Agency:	City of Hagerstown	E-mail Address:	rtissue@hagerstownmd.org
Address:	1 East Franklin Street		
Contact Person:	Rodney Tissue	Title:	City Engineer
Phone Number:	301-739-8755 Ext 128	Fax Number:	
Tax ID/Federal ID#:	52-6000794	<input checked="" type="radio"/> Capital Request <input type="radio"/> Operating Request	
Project Classification:	<input checked="" type="radio"/> Tourism/Attraction <input checked="" type="radio"/> Economic Development <input type="radio"/> Cultural <input checked="" type="radio"/> Recreation		
Project Name:	Hagerstown Field House		
Project Start Date:	Spring 2023	Project End Date:	August 2024

Project Justification and Economic Benefit/Impact to the Visitor Industry, if Applicable

Per the Economic Impact report for the project prepared by Impact DataSource of Austin Texas, the project is estimated to have a significant impact on the local economy and it provides estimates of the costs and benefits for Washington County and the City of Hagerstown over the next 20 years. The report is an attachment to this application and provides detailed estimates on visitors generated, visitor spending, jobs created, population growth, taxes generated, and fiscal benefits to governments.

The request below is for \$1,250,000 in five (5) \$250,000 installments starting in FY23.

Anticipated Visitor Attendance and Impact on Hotel Rental Occupancy, if Applicable

Per the Economic Impact report:

- the facility is expected to draw 27,648 out-of-town visitors during projected 26 tournament weekends each year
- these out-of-town visitors are estimated to spend \$1,400,000 annually on lodging each year generating on average \$110,000 annually in hotel rental taxes
- these out-of-town visitors are estimated to spend \$2,300,000 annually on groceries, in restaurants, and other items each year
- project is expected to create about 50 permanent new jobs and around 165 temporary construction jobs



Narrative Description of Project: Include purpose of project, outline of project procedures, intended results of project or any additional comments that support the need for project and/or merit as an event or activity designed to promote Washington County, Maryland.

The Hagerstown Field House is a 117,000 square foot, two level indoor multi-sport facility will be built on the former Municipal Stadium site at 274 East Memorial Boulevard and is projected to open in August 2024. The project is a public/private partnership and the facility will be owned by the City and operated by Eastern Sports Management (ESM) based in Fredericksburg, Virginia. ESM was selected by competitive proposal process and has a robust portfolio of similar projects on the east coast.

The primary purpose of the facility is to provide a sports and recreation asset to the residents of our community. In addition, the facility would also generate sports tourism activity in our local market as presented in the Economic Impact report.

Among the many benefits of this project would be:

- Generating over 9,200 of hotel night stays each year,
- Spending \$100 per day per visitor group which equates to over \$2,300,000 annually on groceries, in restaurants, and other items each year
- Will serve a broad segment of the community, providing basketball, volleyball, field hockey, futsal, indoor soccer and other community events and trade shows,
- Is funded by a broad array of sources and the hotel rental tax would only account for around 5% of the total construction cost,
- Will provide the opportunity for local children and families to stay in the community for indoor recreation and not travel to other destinations,
- Is supported by a vast array of local sports and athletic groups (details of the extensive public interviews will be provided upon request or is available on the City's website),
- Is an asset that is long overdue and the City will have a facility that other similar sized local communities have enjoyed for decades.

## Total Project Budget

A.	Amount of Hotel Rental Tax Grant Funding Requested	\$1,250,000.00
B.	List Other Funding Sources and Their Respective Amounts	
Source:	State of Maryland and Federal	\$3,200,000.00
Source:	Private (ESM rent and taxes)	\$5,000,000.00
Source:	City of Hagerstown (local funding and future bond funding)	\$12,550,000.00
C.	Total Project/Event Funding (A + B)	\$22,000,000.00

**Itemize your total project budget into the appropriate classifications:**

A. Tourism Attraction (Be specific in expense break down):	
Construction of multi-sport courts suitable for tournaments and trade shows	\$6,400,000.00
B. Economic Development Enhancement (Be specific in expense breakdown):	
Construction of support services areas where employees will function	\$8,600,000.00
C. Cultural Projects (Be specific in expense breakdown):	
D. Recreational Projects (Be specific in expense breakdown):	
Construction of indoor turf fields primarily used for local recreation programs	\$7,000,000.00
<b>Total Project Budget</b>	<b>\$22,000,000.00</b>

Certification:

We certify the information contained in this application is complete, accurate and fully discloses the scope and intent of our request for funding from the Hotel Rental Tax Fund. We agree to comply with the County's requests for information regarding the use of awarded funds and to provide access to accounting records related to these funds.

We acknowledge that if expenditures of funds is approved, such approval will be for line-item-by-line-item expenditures, which must be adhered to within the maximum 10% line item deviation.

We further acknowledge that any deviations beyond 10% allowable amount will require us to submit a program amendment which will have to be approved by the Office of Grant Management prior to any further expenditures.

By signing this application, I/we accept and agree to be bound by the terms and conditions of Hotel Rental Tax Regulations as administered by the Washington County Commissioners in compliance with current State laws.

Signature:

*P. J. Lin* CITY ENGINEER

Date:

7/22/22

Applicant/Organization: City of Hagerstown

Recommended by:

*Susan M. Buchanan*

Date:

8/16/22

☒ Approve

☐ Denied

Director, Office of Grant Management

Recommended Award:

Deferred

Comments:

The project is eligible for funding through HRT program and it meets all seven goals. Based upon these factors I recommend deferring this request to the Board of County Commissioners for consideration.

Approved By:

Date:

☐ Approved

☐ Denied

County Administrator

Approved Award:

Board of County Commissioner Approval (for requests of \$25,000 and over):

Approved by BCC:

Date:

☐ Approved

☐ Denied

County Clerk

Return Application To:  
Washington County Office of Grant Management  
100 West Washington Street Room 2200  
Hagerstown, Maryland 21740  
240-313-2040

# A REPORT OF THE ECONOMIC IMPACT OF HAGERSTOWN FIELD HOUSE INDOOR SPORTS FACILITY IN HAGERSTOWN, MD

July 21, 2022

Prepared for:  
Eastern Sports Management

Prepared by:



## PURPOSE & LIMITATIONS

This report presents the results of an analysis undertaken by Impact DataSource, an Austin, TX based economic consulting firm. The analysis relies on prospective estimates of business activity that may not be realized. Impact DataSource and Eastern Sports Management made reasonable efforts to ensure that the project-specific data reflects realistic estimates of future activity.

The analysis presented in this report incorporates estimates, assumptions, and other information developed by Impact DataSource from its independent research effort.

Eastern Sports Management and Impact DataSource make no representation or warranty as to the accuracy or completeness of the information contained herein, and expressly disclaim any and all liability based on or relating to any information contained in, or errors or omissions from, this information or based on or relating to the use of this information.

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## Study Highlights

- This report presents the results of an impact analysis of a proposed sports complex in Hagerstown, Maryland.
- The developer plans to spend \$22.0 million to develop the complex.
- The Hagerstown Field House indoor multipurpose sports facility would be built on the Municipal Stadium site in Hagerstown, MD and open in 2023. The primary purpose of the proposed facility would be to provide an additional sports and recreation asset for local residents. In addition, the facility also would generate increased sports tourism activity in the City of Hagerstown/Washington County market. The indoor sports facility would house four basketball courts, eight volleyball courts, four futsal courts and 2 field hockey courts.
- Visitors participating in and spectating multiple sports tournaments throughout the year will drive several types of spending that will benefit the city, county and state.
- The developer expects the facility to employ 8 full time workers and 30 to 40 hourly workers with a total payroll expense of over \$1.0 million and food and beverage revenue of over \$630,000.
- The facility may charge a \$10 per person gate fee per day to spectators. Based on the number of tournaments and visitors, this is expected to generate \$368,640 in fees per year.
- Visitor spending on lodging as well as spending at local restaurants and other retail establishments is also estimated in this analysis. The weekend tournament visitors are expected to support a total of \$1.4 million in lodging sales from 9,216 hotel nights and \$2.3 million on other taxable sales per year.
- The Project will generate additional benefits and costs for the City of Hagerstown, Washington County, and State of Maryland. Overall, Hagerstown is expected to receive \$17.4 million in net benefits over the next 20 years and the project will generate \$27.2 million in total for the City of Hagerstown, Washington County, and State of Maryland combined.

Table 1. Fiscal Net Benefits Over the Next 20 Years for the City of Hagerstown, Washington County, and State of Maryland

	Net Benefits
City of Hagerstown	\$17,357,817
Washington County	\$3,001,162
State of Maryland	\$6,876,644
Total	\$27,235,623

- Major revenue sources for Hagerstown include a payment in lieu of taxes (PILOT) as well as amusement taxes on gate fees and on-site concessions. The PILOT is estimated as 95% of the City of Hagerstown property tax. Washington County's revenues primarily include local income taxes and hotel rental taxes while the State of Maryland will collect sale taxes and income taxes.
- More detail on the above summary can be found on the following pages.

## Introduction

This report presents the results of an analysis undertaken by Impact Datasource, an Austin, TX based economic consulting firm. The report estimates the impact that a potential project in the City of Hagerstown will have on the local economy and estimates the costs and benefits for local taxing districts over a 20-year period.

## Description of the Project

The Hagerstown Field House indoor multipurpose sports facility would be built on the Municipal Stadium site in Hagerstown, MD and open in 2023. The primary purpose of the proposed facility would be to provide an additional sports and recreation asset for local residents. In addition, the facility also would generate increased sports tourism activity in the City of Hagerstown/Washington County market. The indoor sports facility would house four basketball courts, eight volleyball courts, four futsal courts and 2 field hockey courts.

## Project Plans

According to information from the developer, it is anticipated to cost \$22.0 million to develop the sports complex. The facility will be constructed on the Municipal Stadium site.

Once constructed, the facility to employ 8 full time workers and 30 to 40 hourly workers with a total payroll expense of over \$1.0 million. On-site concession sales are expected to be \$630,000 in Year 1.

The developer also provided estimates relating to tournaments, teams, and visitors. The table below summarizes visitor spending in the City of Hagerstown.

Table 2. Annual Weekend Tournament Visitor Spending

	On-Site Concessions	Lodging Spending	General Taxable Spending	Gate Fees	Total
Basketball Tournament Visitors	\$236,250	\$518,400	\$864,000	\$138,240	\$1,756,890
Volleyball Tournament Visitors	\$236,250	\$518,400	\$864,000	\$138,240	\$1,756,890
Field Hockey Tournament Visitors	\$78,750	\$172,800	\$288,000	\$46,080	\$585,630
Futsal Tournament Visitors	\$78,750	\$172,800	\$288,000	\$46,080	\$585,630
Total	\$630,000	\$1,382,400	\$2,304,000	\$368,640	\$4,685,040

The following tables outline the assumptions used in this analysis to estimate this visitor spending.



### Weekend Tournament Visitor Spending

According to the developer, the sports complex is expected to host weekends tournaments during 26 weekends per year. In total, 768 teams are expected to participate in tournament weekends. Each team participating in a tournament weekend is expected to include 12 players/coaches. Finally, 2.0 spectators are expected to accompany each player or coach. In total, the sports complex expects to draw 27,648 out-of-town visitors during tournament weekends.

Table 2. Annual Out-of-Town Visitors Due to Weekend Tournaments

	Basketball	Volleyball	Field Hockey	Futsal	Total
Number of sports tournament weekends	9	9	4	4	26
Average number of teams per tournament weekend	32	32	24	24	
<u>Total teams per year</u>	<u>288</u>	<u>288</u>	<u>96</u>	<u>96</u>	<u>768</u>
Average number of players and coaches per team	12	12	12	12	
<u>Total players and coaches per year</u>	<u>3,456</u>	<u>3,456</u>	<u>1,152</u>	<u>1,152</u>	<u>9,216</u>
Average spectators accompanying players/coaches.	2.0	2.0	2.0	2.0	
<u>Total spectators per year</u>	<u>6,912</u>	<u>6,912</u>	<u>2,304</u>	<u>2,304</u>	<u>18,432</u>
<u>Total Annual Out-of-Town Tournament Visitors</u>	<u>10,368</u>	<u>10,368</u>	<u>3,456</u>	<u>3,456</u>	<u>27,648</u>

The 27,648 out-of-town visitors represents 9,216 "visitor groups" where a visitor group represents 3.0 visitors. A visitor group is assumed to include a tournament-participating player (or coach) and 2.0 accompanying spectators. This analysis assumes 50.0% of these visitor groups will stay 2 nights in a hotel in Hagerstown. Accordingly, the sports complex is expected to support 9,216 hotel nights in Hagerstown. The expected cost of a hotel in Hagerstown is assumed to be \$150 per night. The total estimated lodging spending in Hagerstown is expected to be \$1.4 million per year.

Table 3. Annual Tournament Visitor Spending on Lodging

	Number
Total Annual Out-of-Town Tournament Visitors	27,648
Typical size of a visiting group	3.0
Number of visitor groups	9,216
Percent of groups staying in a local hotel	50.0%
Avg. number of nights spent in a hotel	2.0
Annual number of hotel nights supported	9,216
Average cost of hotel night for a group of typical size	\$150
<u>Annual Tournament Visitor Spending on Lodging</u>	<u>\$1,382,400</u>

The 9,216 out-of-town visitor groups are expected to spend 2.5 days in Hagerstown during these tournament weekends. This analysis assumes each visitor group will spend \$100 per day on taxable items in Hagerstown, excluding lodging. The total estimated taxable spending by out-of-town tournament visitors is expected to be \$2.3 million per year.

Table 4. Annual Tournament Visitor Spending on Taxable Items, Excluding Lodging

	Number
Number of visitor groups	9,216
Average number of days spent in Hagerstown	2.5
Average daily spending off-site for restaurants, groceries and other items per group in Hagerstown	\$100
<u>Annual Tournament Visitor Spending, Excl. Lodging</u>	<u>\$2,304,000</u>

In addition to the general taxable spending around town, the tournament spectators may be charged a gate fee. The 27,648 out-of-town visitors include 9,216 participants and 18,432 spectators. The table below illustrates the projected gate fees to be collected from spectators assuming that spectators attend 2 days per tournament weekend and are charged a fee of \$10 per day.

Table 6. Annual Tournament Spectator Gate Fees

	Number
Number of Spectators	18,432
Average number of days spectating tournament	2.0
Gate Fee	\$10
<u>Annual Tournament Spectator Gate Fees</u>	<u>\$368,640</u>

## Economic Impact Overview

The Project's operations will support employment and other economic impacts in the community. The 43.0 workers directly employed by the Project will earn approximately \$23,000 per year on average initially. This direct activity will support 6.8 indirect and induced workers in the community earning \$38,000 on average. The total additional payroll or workers' earnings associated with the Project is estimated to be approximately \$30.5 million over the next 20 years.

Accounting for various taxable sales and purchases, including activity associated with the Project, worker spending, and visitors' spending in the community, the Project is estimated to support approximately \$89.0 million in taxable sales over the next 20 years.

Table 7. Economic Impact Over the Next 20 Years

	Direct	Indirect & Induced	Total
Number of permanent direct, indirect, and induced jobs to be created	43.0	6.8	49.8
Salaries to be paid to direct, indirect, and induced workers	\$24,297,369	\$6,222,555	\$30,519,924
Taxable sales and purchases	\$88,720,900	\$308,016	\$89,028,917

The Project may result in new residents moving to the community and potentially new residential properties being constructed as summarized below.

Table 8. Population Impacts Over the Next 20 Years

	Direct	Indirect & Induced	Total
Number of direct, indirect, and induced workers who will move to the City	2.5	0.4	2.9
Number of new residents in the City	6.5	1.0	7.5
Number of new residential properties to be built in the City	0.0	0.0	0.0
Number of new students expected to attend local school district	1.3	0.2	1.5

The sports facility is being constructed on a city-owned site. Additionally, this analysis assumes no increase in residential properties.

## Temporary Construction Impact

The Project will include an initial period of construction where \$22.0 million will be spent to develop the sports complex. It is assumed that 50.0% of the construction expenditure will be spent on materials and 50.0% of the expenditure on labor. The temporary construction activity will support temporary economic impacts in the community in the form of temporary construction employment and sales for local construction firms.

Table 10. Spending and Estimated Direct Employment Impact of Project-Related Construction Activity

	Amount
Total Construction Expenditure	\$22,000,000
Materials	\$11,000,000
Labor	\$11,000,000
Temporary Construction Workers Supported (Average Earnings = \$66,900)	164.4

The following table presents the temporary economic impacts resulting from the construction.

Table 11. Temporary Economic Impact of Project-Related Construction Activity

	Direct	Indirect & Induced	Total
Number of temporary direct, indirect, and induced job years to be supported*	164.4	60.6	225.0
Salaries to be paid to direct, indirect, and induced workers	\$11,000,000	\$2,941,400	\$13,941,400
Revenues or sales for businesses related to construction	\$22,000,000	\$11,167,200	\$33,167,200

\* A job year is defined as full employment for one person for 2080 hours in a 12-month span.

Taxable sales related to construction activity are presented in the following table. The sales tax revenue generated from construction-period taxable spending is included in the fiscal impact for affected districts during the initial period of construction.

Table 12. Local Economic Impact from Construction Labor Spending

	Estimate
Expenditure for Materials	\$11,000,000
Percent of Materials subject to local tax	0.0%
<u>Subtotal Taxable Materials</u>	<u>\$0</u>
Expenditure for Labor / Paid to construction workers	\$11,000,000
Percent of gross earnings spent on taxable goods and services	24.0%
Percent of taxable spending done locally	15.0%
<u>Subtotal Taxable Construction Worker Spending</u>	<u>\$396,000</u>
Expenditure for Furniture, Fixtures, & Equipment (FF&E)	\$0
Percent of FF&E subject to local tax	0.0%
<u>Subtotal Taxable FF&amp;E Purchases</u>	<u>\$0</u>
Total Construction-Related Taxable Spending	\$396,000

## Fiscal Impact Overview

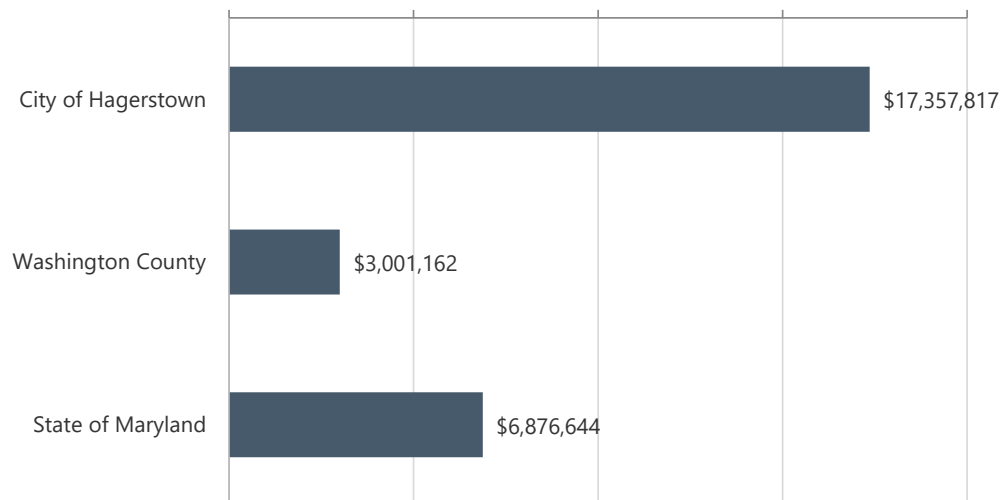
The Project will generate additional benefits and costs for the City of Hagerstown, Washington County, and State of Maryland, a summary of which is provided below. The source of specific benefits and costs are provided in greater detail for each city, county, and state on subsequent pages. Overall, the City will receive approximately \$17,357,800 in net benefits over the 20-year period and the Project will generate \$27.2 million in total for the City of Hagerstown, Washington County, and State of Maryland.

Table 13. Fiscal Net Benefits Over the Next 20 Years for the City of Hagerstown, Washington County, and State of Maryland

	Benefits	Costs	Net Benefits	Present Value of Net Benefits*
City of Hagerstown	\$17,583,504	(\$225,686)	\$17,357,817	\$10,670,967
Washington County	\$3,385,984	(\$384,822)	\$3,001,162	\$1,790,403
State of Maryland	\$6,876,644	\$0	\$6,876,644	\$4,118,219
Total	\$27,846,131	(\$610,508)	\$27,235,623	\$16,579,589

\* The Present Value of Net Benefits expresses the future stream of net benefits received over several years as a single value in today's dollars. Today's dollar and a dollar to be received at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. This analysis uses a discount rate of 5% to make the dollars comparable.

Figure 1. Net Benefits Over the Next 20 Years for the City of Hagerstown, Washington County, and State of Maryland



## City of Hagerstown

The table below displays the estimated additional benefits, costs, and net benefits to be received by the city over the next 20 years of the Project. Appendix C contains the year-by-year calculations.

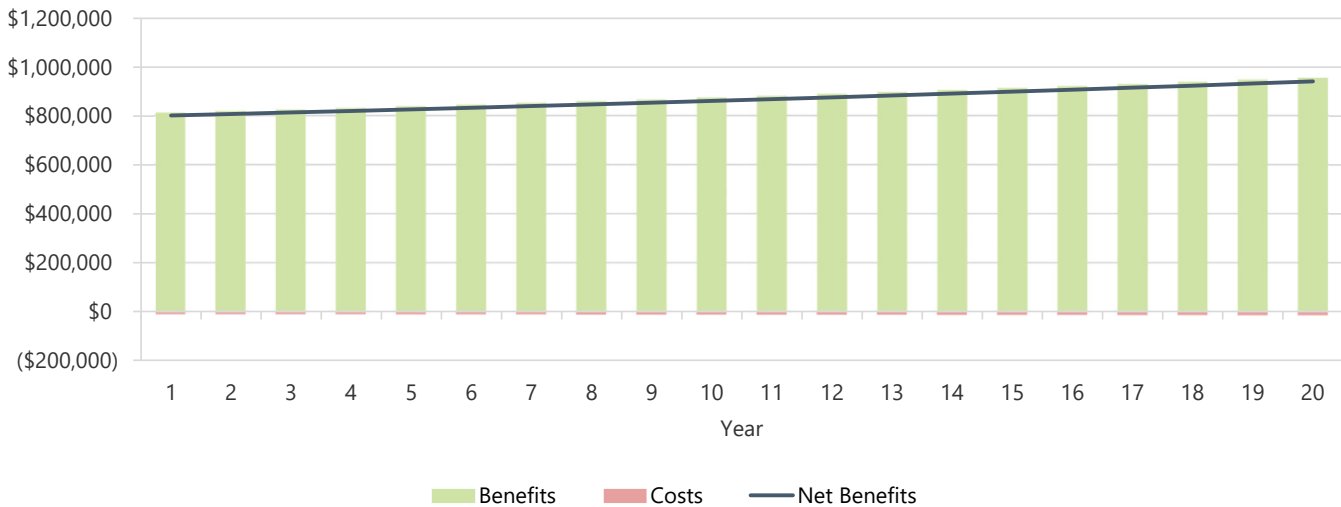
Table 14. City of Hagerstown: Benefits, Costs, and Net Benefits Over the Next 20 Years

	Amount
Amusement Taxes (Athletics)	\$2,426,433
Real Property Taxes (or PILOT)*	\$5,088,307
FF&E Property Taxes	\$0
New Residential Property Taxes	\$0
Building Permits and Fees	\$0
Miscellaneous Taxes & User Fees	\$128,574
Additional Rent from Tenant**	\$9,940,190
<b>Subtotal Benefits</b>	<b>\$17,583,504</b>
Cost of Providing Municipal Services	(\$225,686)
<b>Subtotal Costs</b>	<b>(\$225,686)</b>
<b>Net Benefits</b>	<b>\$17,357,817</b>
<i>Present Value (5% discount rate)</i>	<i>\$10,670,967</i>

\* Assumed to be equal to 95% of City of Hagerstown Property tax rate.

\*\* Projected revenue share.

Figure 2. Annual Fiscal Net Benefits for the City of Hagerstown



## Washington County

The table below displays the estimated additional benefits, costs, and net benefits to be received by the County over the next 20 years of the Project. Appendix C contains the year-by-year calculations.

Table 18. Washington County: Benefits, Costs, and Net Benefits Over the Next 20 Years

	Amount
Local Income Taxes	\$1,001,027
Hotel Rental Taxes	\$2,228,736
Real Property Taxes	\$0
FF&E Property Taxes	\$0
New Residential Property Taxes	\$0
Miscellaneous Taxes & User Fees	\$156,220
<u>Subtotal Benefits</u>	<u>\$3,385,984</u>
Cost of Providing County Services	(\$384,822)
<u>Subtotal Costs</u>	<u>(\$384,822)</u>
Net Benefits	\$3,001,162
<i>Present Value (5% discount rate)</i>	<i>\$1,790,403</i>

## State of Maryland

The table below displays the estimated additional benefits, costs, and net benefits to be received by the district over the next 20 years of the Project. Appendix C contains the year-by-year calculations. The Project is not anticipated to generate any state-level costs.

Table 19. State of Maryland: Benefits, Costs, and Net Benefits Over the Next 20 Years

	Amount
Sales Tax	\$5,341,735
Income Taxes	\$1,534,908
Real Property Taxes	\$0
FF&E Property Taxes	\$0
New Residential Property Taxes	\$0
Net Benefits	\$6,876,644
<i>Present Value (5% discount rate)</i>	<i>\$4,118,219</i>

## Overview of Methodology

This report presents the results of an analysis undertaken by Impact DataSource, an Austin, TX based economic consulting firm. The analysis relies on prospective estimates of business activity that may not be realized. Impact DataSource and Eastern Sports Management made reasonable efforts to ensure that the project-specific data reflects realistic estimates of future activity.

This analysis combines project-specific attributes with community data, tax rates, and assumptions to estimate the economic impact of the Project and the fiscal impact for local taxing districts over a 20-year period.

The economic impact as calculated in this report can be categorized into two main types of impacts. First, the direct economic impacts are the jobs and payroll directly created by the Project. Second, this economic impact analysis calculates the indirect and induced impacts that result from the Project. Indirect jobs and salaries are created in new or existing area firms, such as maintenance companies and service firms, that may supply goods and services for the Project. In addition, induced jobs and salaries are created in new or existing local businesses, such as retail stores, gas stations, banks, restaurants, and service companies that may supply goods and services to new workers and their families.

The economic impact estimates in this report are based on the Regional Input-Output Modeling System (RIMS II), a widely used regional input-output model developed by the U. S. Department of Commerce, Bureau of Economic Analysis. The RIMS II model is a standard tool used to estimate regional economic impacts. The economic impacts estimated using the RIMS II model are generally recognized as reasonable and plausible assuming the data input into the model is accurate or based on reasonable assumptions. Impact DataSource utilizes county-level multipliers to estimate the impact occurring at the sub-county level.

Two types of regional economic multipliers were used in this analysis: an employment multiplier and an earnings multiplier. An employment multiplier was used to estimate the number of indirect and induced jobs created or supported in the area. An earnings multiplier was used to estimate the amount of salaries to be paid to workers in these new indirect and induced jobs. The employment multiplier shows the estimated number of total jobs created for each direct job. The earnings multiplier shows the estimated amount of total salaries paid to these workers for every dollar paid to a direct worker. The multipliers used in this analysis are listed below:

713900 Other amusement and recreation industries		City	County
Employment Multiplier	(Type II Direct Effect )	1.1580	1.2303
Earnings Multiplier	(Type II Direct Effect )	1.2561	1.3733

The fiscal impacts calculated in this report are detailed in Appendix C. Most of the revenues estimated in this study result from calculations relying on (1) attributes of the Project, (2) assumptions to derive the value of associated taxable property or sales, and (3) local tax rates. In some cases, revenues are estimated on a per new household, per new worker, or per new school student basis.

The company or Project developer was not asked, nor could reasonably provide data for calculating some other revenues. For example, while the city will likely receive revenues from fines paid on speeding tickets given to new workers, the company does not know the propensity of its workers to speed. Therefore, some revenues are calculated using an average revenue approach. This approach uses relies on two assumptions:

1. The taxing entity has two general revenue sources: revenues from residents and revenues from businesses.
2. The taxing entity will collect (a) about the same amount of miscellaneous taxes and user fees from each new household that results from the Project as it currently collects from existing households on average, and (b) the same amount of miscellaneous taxes and user fees from the new business (on a per worker basis) will be collected as it collects from existing businesses.

In the case of the school district, some additional state and federal revenues are estimated on a per new school student basis consistent with historical funding levels.

Additionally, this analysis sought to estimate the additional expenditures faced by the city and county to provide services to new households and new businesses. A marginal cost approach was used to calculate these additional costs. This approach relies on two assumptions:

1. The taxing entity spends money on services for two general groups: revenues from residents and revenues from businesses.
2. The taxing entity will spend slightly less than its current average cost to provide local government services (police, fire, EMS, etc.) to (a) new residents and (b) businesses on a per worker basis.

### About Impact DataSource

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Established in 1993, Impact DataSource is an Austin, Texas-based economic consulting firm. Impact DataSource provides high-quality economic research, specializing in economic and fiscal impact analyses. The company is highly focused on supporting economic development professionals and organizations through its consulting services and software. Impact DataSource has conducted thousands of economic impact analyses of new businesses, retention and expansion projects, developments, and activities in all industry groups throughout the U.S.



## Appendix A

### *Data and Rates*

## Local Tax Rates

Amusement tax rate (Athletics)	
City of Hagerstown	10.000%
Sales tax rates	
State of Maryland	6.000%
Property tax rates, per \$100 of valuation	
City of Hagerstown	1.0020
Washington County	0.8030
State of Maryland	0.1120
Hotel occupancy tax rates	
Washington County	6.00%

## City Data

Estimated additional annual miscellaneous taxes and user fees to be collected

Residential, per household	\$253
Businesses, per worker	\$106

Estimated additional annual operating expenditures to be incurred

Residential, per household	\$445
Businesses, per worker	\$186

Rate of expected annual increase in

City-owned Utility bills	2.0%
City Miscellaneous Taxes and User Fees	2.0%
Cost of City Services	2.0%

Percent of new workers who will move to the City to take a job

Project's workers	5.9%
Spin-off workers	5.9%

Percent of workers who move to the area that will buy a new home or require that new residential property be built for them 0.0%

Average taxable value of a new single family residence constructed in the area \$210,300

Percent of taxable shopping by a typical new worker that will be in the City 15.0%

## County Data

Estimated additional annual miscellaneous taxes and user fees to be collected

Residential, per household	\$261
Businesses, per worker	\$104

Estimated additional annual operating expenditures to be incurred

Residential, per household	\$644
Businesses, per worker	\$256

Rate of expected annual increase in

County Miscellaneous Taxes and User Fees	2.0%
Cost of County Services	2.0%

Percent of new workers who will move to the County to take a job

Project's workers	14.3%
Spin-off workers	14.3%

## Other Rates and Assumptions

Amount of building and improvements costs added to local tax rolls 0.0%

Percentages for computing depreciable or taxable values of the Project's furniture, fixtures, and equipment

Year	Percent of Market Value of FF&E Subject to Property Taxes
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	20%
11	20%
12	20%
13	20%
14	20%
15	20%
16	20%
17	20%
18	20%
19	20%
20	20%

Percent annual increase in the taxable value of real property

Commercial/Industrial	2.0%
Residential	2.0%

Household size of a typical new worker moving to the area 2.60

Number of school children in a typical worker's household 0.50

Percent of the gross salaries that workers will spend on taxable goods and services

New Workers	33.0%
Temporary Construction Workers	24.0%

Discount rate for calculating the present value of costs and benefits 5.0%

Expected average annual inflation rate 3.0%

## Project Investments

The Project's capital investment each year

Year	Land	Buildings and Other Real Property Improvements	Furniture, Fixtures, and Equipment	Total
1	\$0	\$22,000,000	\$0	\$22,000,000
2	\$0	\$0	\$0	\$0
3	\$0	\$0	\$0	\$0
4	\$0	\$0	\$0	\$0
5	\$0	\$0	\$0	\$0
6	\$0	\$0	\$0	\$0
7	\$0	\$0	\$0	\$0
8	\$0	\$0	\$0	\$0
9	\$0	\$0	\$0	\$0
10	\$0	\$0	\$0	\$0
11	\$0	\$0	\$0	\$0
12	\$0	\$0	\$0	\$0
13	\$0	\$0	\$0	\$0
14	\$0	\$0	\$0	\$0
15	\$0	\$0	\$0	\$0
16	\$0	\$0	\$0	\$0
17	\$0	\$0	\$0	\$0
18	\$0	\$0	\$0	\$0
19	\$0	\$0	\$0	\$0
20	\$0	\$0	\$0	\$0
Total	\$0	\$22,000,000	\$0	\$22,000,000

Percent of building and improvement costs for materials and labor

Materials	50.0%
Labor	50.0%

Percent of construction materials that will be purchased in the State and subject to sales taxes 0.0%

Percent of taxable spending by construction workers in the State subject to sales taxes 15.0%

Percent of furniture, fixtures, and equipment to be purchased in the State and subject to sales taxes 0.0%

Building permits and fees to be paid to the City during construction, if applicable

Year	Total City Building Permits and Fees
1	\$0
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
11	\$0
12	\$0
13	\$0
14	\$0
15	\$0
16	\$0
17	\$0
18	\$0
19	\$0
20	\$0

### Estimated spending for construction

Year	Spending on Construction
1	\$22,000,000
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
11	\$0
12	\$0
13	\$0
14	\$0
15	\$0
16	\$0
17	\$0
18	\$0
19	\$0
20	\$0

### Activities During the Project's Operations

#### Number of new full-time jobs to be added in the community each year

Year	New employees to be hired each year
1	43
2	0
3	0
4	0
5	0
6	0
7	0
8	0
9	0
10	0
11	0
12	0
13	0
14	0
15	0
16	0
17	0
18	0
19	0
20	0
Total	43

Average annual salaries of new employees each year

Year	Average Annual Salaries
1	\$23,256
2	\$23,721
3	\$24,195
4	\$24,679
5	\$25,173
6	\$25,676
7	\$26,190
8	\$26,714
9	\$27,248
10	\$27,793
11	\$28,349
12	\$28,916
13	\$29,494
14	\$30,084
15	\$30,686
16	\$31,299
17	\$31,925
18	\$32,564
19	\$33,215
20	\$33,879

The Project's estimated taxable purchases of materials, supplies, and services in the community and the Project's estimated taxable sales that will be subject to sales taxes in the community

Year	Taxable Purchases	Taxable Sales
1	\$0	\$630,000
2	\$0	\$642,600
3	\$0	\$655,452
4	\$0	\$668,561
5	\$0	\$681,932
6	\$0	\$695,571
7	\$0	\$709,482
8	\$0	\$723,672
9	\$0	\$738,145
10	\$0	\$752,908
11	\$0	\$767,966
12	\$0	\$783,326
13	\$0	\$798,992
14	\$0	\$814,972
15	\$0	\$831,272
16	\$0	\$847,897
17	\$0	\$864,855
18	\$0	\$882,152
19	\$0	\$899,795
20	\$0	\$917,791



## Appendix B

### *Economic Impact Calculations*

Number of jobs added and worker salaries to be paid each year in the City

Year	Direct Jobs	Indirect Jobs	Total Jobs	Direct Salaries	Indirect Salaries	Total Salaries
1	43.0	6.8	49.8	\$1,000,000	\$256,100	\$1,256,100
2	0.0	0.0	0.0	\$1,020,000	\$261,222	\$1,281,222
3	0.0	0.0	0.0	\$1,040,400	\$266,446	\$1,306,846
4	0.0	0.0	0.0	\$1,061,208	\$271,775	\$1,332,983
5	0.0	0.0	0.0	\$1,082,432	\$277,211	\$1,359,643
6	0.0	0.0	0.0	\$1,104,081	\$282,755	\$1,386,836
7	0.0	0.0	0.0	\$1,126,162	\$288,410	\$1,414,572
8	0.0	0.0	0.0	\$1,148,686	\$294,178	\$1,442,864
9	0.0	0.0	0.0	\$1,171,659	\$300,062	\$1,471,721
10	0.0	0.0	0.0	\$1,195,093	\$306,063	\$1,501,156
11	0.0	0.0	0.0	\$1,218,994	\$312,184	\$1,531,178
12	0.0	0.0	0.0	\$1,243,374	\$318,428	\$1,561,802
13	0.0	0.0	0.0	\$1,268,242	\$324,797	\$1,593,039
14	0.0	0.0	0.0	\$1,293,607	\$331,293	\$1,624,900
15	0.0	0.0	0.0	\$1,319,479	\$337,919	\$1,657,398
16	0.0	0.0	0.0	\$1,345,868	\$344,677	\$1,690,545
17	0.0	0.0	0.0	\$1,372,786	\$351,570	\$1,724,356
18	0.0	0.0	0.0	\$1,400,241	\$358,602	\$1,758,843
19	0.0	0.0	0.0	\$1,428,246	\$365,774	\$1,794,020
20	0.0	0.0	0.0	\$1,456,811	\$373,089	\$1,829,900
Total	43.0	6.8	49.8	\$24,297,369	\$6,222,555	\$30,519,924

Number of direct and indirect workers and their families who will move to the City and their children who will attend local public schools

Year	New Workers Moving to the Area	Total New Residents	Total New Students
1	2.9	7.5	1.5
2	0.0	0.0	0.0
3	0.0	0.0	0.0
4	0.0	0.0	0.0
5	0.0	0.0	0.0
6	0.0	0.0	0.0
7	0.0	0.0	0.0
8	0.0	0.0	0.0
9	0.0	0.0	0.0
10	0.0	0.0	0.0
11	0.0	0.0	0.0
12	0.0	0.0	0.0
13	0.0	0.0	0.0
14	0.0	0.0	0.0
15	0.0	0.0	0.0
16	0.0	0.0	0.0
17	0.0	0.0	0.0
18	0.0	0.0	0.0
19	0.0	0.0	0.0
20	0.0	0.0	0.0
Total	2.9	7.5	1.5

Number of new residential properties that may be built in the City for direct and indirect workers who will move to the City and the taxable value over time

Year	New Residential Properties	Taxable Value of New City Residential Property
1	0.0	\$0
2	0.0	\$0
3	0.0	\$0
4	0.0	\$0
5	0.0	\$0
6	0.0	\$0
7	0.0	\$0
8	0.0	\$0
9	0.0	\$0
10	0.0	\$0
11	0.0	\$0
12	0.0	\$0
13	0.0	\$0
14	0.0	\$0
15	0.0	\$0
16	0.0	\$0
17	0.0	\$0
18	0.0	\$0
19	0.0	\$0
20	0.0	\$0
Total	0.0	

Number of jobs added each year and worker salaries to be paid in the County

Year	Direct Jobs	Indirect Jobs	Total Jobs	Direct Salaries	Indirect Salaries	Total Salaries
1	43.0	9.9	52.9	\$1,000,000	\$373,300	\$1,373,300
2	0.0	0.0	0.0	\$1,020,000	\$380,766	\$1,400,766
3	0.0	0.0	0.0	\$1,040,400	\$388,381	\$1,428,781
4	0.0	0.0	0.0	\$1,061,208	\$396,149	\$1,457,357
5	0.0	0.0	0.0	\$1,082,432	\$404,072	\$1,486,504
6	0.0	0.0	0.0	\$1,104,081	\$412,153	\$1,516,234
7	0.0	0.0	0.0	\$1,126,162	\$420,396	\$1,546,558
8	0.0	0.0	0.0	\$1,148,686	\$428,804	\$1,577,490
9	0.0	0.0	0.0	\$1,171,659	\$437,380	\$1,609,039
10	0.0	0.0	0.0	\$1,195,093	\$446,128	\$1,641,221
11	0.0	0.0	0.0	\$1,218,994	\$455,050	\$1,674,044
12	0.0	0.0	0.0	\$1,243,374	\$464,152	\$1,707,526
13	0.0	0.0	0.0	\$1,268,242	\$473,435	\$1,741,677
14	0.0	0.0	0.0	\$1,293,607	\$482,903	\$1,776,510
15	0.0	0.0	0.0	\$1,319,479	\$492,562	\$1,812,041
16	0.0	0.0	0.0	\$1,345,868	\$502,413	\$1,848,281
17	0.0	0.0	0.0	\$1,372,786	\$512,461	\$1,885,247
18	0.0	0.0	0.0	\$1,400,241	\$522,710	\$1,922,951
19	0.0	0.0	0.0	\$1,428,246	\$533,164	\$1,961,410
20	0.0	0.0	0.0	\$1,456,811	\$543,828	\$2,000,639
Total	43.0	9.9	52.9	\$24,297,369	\$9,070,207	\$33,367,576

Number of direct and indirect workers and their families who will move to the County and their children who will attend local public schools

Year	New Workers Moving to the Area	Total New Residents	Total New Students
1	7.5	19.5	3.8
2	0.0	0.0	0.0
3	0.0	0.0	0.0
4	0.0	0.0	0.0
5	0.0	0.0	0.0
6	0.0	0.0	0.0
7	0.0	0.0	0.0
8	0.0	0.0	0.0
9	0.0	0.0	0.0
10	0.0	0.0	0.0
11	0.0	0.0	0.0
12	0.0	0.0	0.0
13	0.0	0.0	0.0
14	0.0	0.0	0.0
15	0.0	0.0	0.0
16	0.0	0.0	0.0
17	0.0	0.0	0.0
18	0.0	0.0	0.0
19	0.0	0.0	0.0
20	0.0	0.0	0.0
Total	7.5	19.5	3.8

Number of new residential properties that may be built in the County for direct and indirect workers who will move to the County and the taxable value over time

Year	New Residential Properties	Taxable Value of New County Residential Property
1	0.0	\$0
2	0.0	\$0
3	0.0	\$0
4	0.0	\$0
5	0.0	\$0
6	0.0	\$0
7	0.0	\$0
8	0.0	\$0
9	0.0	\$0
10	0.0	\$0
11	0.0	\$0
12	0.0	\$0
13	0.0	\$0
14	0.0	\$0
15	0.0	\$0
16	0.0	\$0
17	0.0	\$0
18	0.0	\$0
19	0.0	\$0
20	0.0	\$0
Total	0.0	

Taxable spending on which sales taxes will be collected

Year	Local Construction Workers' Spending and Furniture, Fixtures, and Equipment	Direct and Indirect Workers' Spending	Visitors' Spending	Taxable Sales from the Project	The Project's Local Purchases and Taxable Utilities	Total
1	\$396,000	\$62,177	\$2,672,640	\$630,000	\$0	\$3,760,817
2	\$0	\$63,420	\$2,752,819	\$642,600	\$0	\$3,458,840
3	\$0	\$64,689	\$2,835,404	\$655,452	\$0	\$3,555,545
4	\$0	\$65,983	\$2,920,466	\$668,561	\$0	\$3,655,010
5	\$0	\$67,302	\$3,008,080	\$681,932	\$0	\$3,757,314
6	\$0	\$68,648	\$3,098,322	\$695,571	\$0	\$3,862,542
7	\$0	\$70,021	\$3,191,272	\$709,482	\$0	\$3,970,776
8	\$0	\$71,422	\$3,287,010	\$723,672	\$0	\$4,082,104
9	\$0	\$72,850	\$3,385,620	\$738,145	\$0	\$4,196,616
10	\$0	\$74,307	\$3,487,189	\$752,908	\$0	\$4,314,405
11	\$0	\$75,793	\$3,591,805	\$767,966	\$0	\$4,435,564
12	\$0	\$77,309	\$3,699,559	\$783,326	\$0	\$4,560,194
13	\$0	\$78,855	\$3,810,546	\$798,992	\$0	\$4,688,393
14	\$0	\$80,433	\$3,924,862	\$814,972	\$0	\$4,820,267
15	\$0	\$82,041	\$4,042,608	\$831,272	\$0	\$4,955,921
16	\$0	\$83,682	\$4,163,886	\$847,897	\$0	\$5,095,465
17	\$0	\$85,356	\$4,288,803	\$864,855	\$0	\$5,239,013
18	\$0	\$87,063	\$4,417,467	\$882,152	\$0	\$5,386,682
19	\$0	\$88,804	\$4,549,991	\$899,795	\$0	\$5,538,590
20	\$0	\$90,580	\$4,686,490	\$917,791	\$0	\$5,694,862
Total	396,000.0	1,510,736.2	71,814,837.7	\$15,307,343	\$0	\$89,028,917

## Local spending on lodging

Year	Spending on Lodging
1	\$1,382,400
2	\$1,423,872
3	\$1,466,588
4	\$1,510,586
5	\$1,555,903
6	\$1,602,580
7	\$1,650,658
8	\$1,700,178
9	\$1,751,183
10	\$1,803,718
11	\$1,857,830
12	\$1,913,565
13	\$1,970,972
14	\$2,030,101
15	\$2,091,004
16	\$2,153,734
17	\$2,218,346
18	\$2,284,897
19	\$2,353,443
20	\$2,424,047
Total	\$37,145,606

## Taxable value of the Project's property on local tax rolls

Year	The Project's Property				Total Taxable Property
	Land on Local Tax Rolls	Buildings and Other Real Property on Local Tax Rolls	Furniture, Fixtures, & Equipment on Local Tax Rolls	Inventories on Local Tax Rolls	
1	\$0	\$0	\$0	\$0	\$0
2	\$0	\$0	\$0	\$0	\$0
3	\$0	\$0	\$0	\$0	\$0
4	\$0	\$0	\$0	\$0	\$0
5	\$0	\$0	\$0	\$0	\$0
6	\$0	\$0	\$0	\$0	\$0
7	\$0	\$0	\$0	\$0	\$0
8	\$0	\$0	\$0	\$0	\$0
9	\$0	\$0	\$0	\$0	\$0
10	\$0	\$0	\$0	\$0	\$0
11	\$0	\$0	\$0	\$0	\$0
12	\$0	\$0	\$0	\$0	\$0
13	\$0	\$0	\$0	\$0	\$0
14	\$0	\$0	\$0	\$0	\$0
15	\$0	\$0	\$0	\$0	\$0
16	\$0	\$0	\$0	\$0	\$0
17	\$0	\$0	\$0	\$0	\$0
18	\$0	\$0	\$0	\$0	\$0
19	\$0	\$0	\$0	\$0	\$0
20	\$0	\$0	\$0	\$0	\$0

## Appendix C

### *Fiscal Impact Calculations*



# Fiscal Impact: City of Hagerstown

## Amusement tax collections

Year	On		Total
	Gate Fees	Concession Sales	
1	\$36,864	\$63,000	\$99,864
2	\$37,601	\$64,260	\$101,861
3	\$38,353	\$65,545	\$103,899
4	\$39,120	\$66,856	\$105,976
5	\$39,903	\$68,193	\$108,096
6	\$40,701	\$69,557	\$110,258
7	\$41,515	\$70,948	\$112,463
8	\$42,345	\$72,367	\$114,712
9	\$43,192	\$73,815	\$117,007
10	\$44,056	\$75,291	\$119,347
11	\$44,937	\$76,797	\$121,734
12	\$45,836	\$78,333	\$124,168
13	\$46,752	\$79,899	\$126,652
14	\$47,688	\$81,497	\$129,185
15	\$48,641	\$83,127	\$131,768
16	\$49,614	\$84,790	\$134,404
17	\$50,606	\$86,485	\$137,092
18	\$51,618	\$88,215	\$139,834
19	\$52,651	\$89,980	\$142,630
20	\$53,704	\$91,779	\$145,483
Total	\$895,698	\$1,530,734	\$2,426,433

## Fiscal Impact: City of Hagerstown

Property tax collections on new residential property

Year	New Residential Property Tax Collections
1	\$0
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
11	\$0
12	\$0
13	\$0
14	\$0
15	\$0
16	\$0
17	\$0
18	\$0
19	\$0
20	\$0
Total	\$0

# Fiscal Impact: City of Hagerstown

Property tax collections on the Project's Real Property

Year	<u>Land</u>		<u>Buildings &amp; Other Real Property Improvements</u>		Total Real Property Taxes Collected after
	Taxes Collected	Taxes Abated	Taxes Collected	Taxes Abated	Abated
1	\$0	\$0	\$0	\$0	\$0
2	\$0	\$0	\$0	\$0	\$0
3	\$0	\$0	\$0	\$0	\$0
4	\$0	\$0	\$0	\$0	\$0
5	\$0	\$0	\$0	\$0	\$0
6	\$0	\$0	\$0	\$0	\$0
7	\$0	\$0	\$0	\$0	\$0
8	\$0	\$0	\$0	\$0	\$0
9	\$0	\$0	\$0	\$0	\$0
10	\$0	\$0	\$0	\$0	\$0
11	\$0	\$0	\$0	\$0	\$0
12	\$0	\$0	\$0	\$0	\$0
13	\$0	\$0	\$0	\$0	\$0
14	\$0	\$0	\$0	\$0	\$0
15	\$0	\$0	\$0	\$0	\$0
16	\$0	\$0	\$0	\$0	\$0
17	\$0	\$0	\$0	\$0	\$0
18	\$0	\$0	\$0	\$0	\$0
19	\$0	\$0	\$0	\$0	\$0
20	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0

## Fiscal Impact: City of Hagerstown

Property tax collections on the Project's Furniture, Fixtures, and Equipment and Inventories

Year	<u>Furniture, Fixtures, &amp; Equip.</u>		Total FF&E Property Taxes Collected after
	Taxes Collected	Taxes Abated	Abated
1	\$0	\$0	\$0
2	\$0	\$0	\$0
3	\$0	\$0	\$0
4	\$0	\$0	\$0
5	\$0	\$0	\$0
6	\$0	\$0	\$0
7	\$0	\$0	\$0
8	\$0	\$0	\$0
9	\$0	\$0	\$0
10	\$0	\$0	\$0
11	\$0	\$0	\$0
12	\$0	\$0	\$0
13	\$0	\$0	\$0
14	\$0	\$0	\$0
15	\$0	\$0	\$0
16	\$0	\$0	\$0
17	\$0	\$0	\$0
18	\$0	\$0	\$0
19	\$0	\$0	\$0
20	\$0	\$0	\$0
Total	\$0	\$0	\$0

# Fiscal Impact: City of Hagerstown

## Payment in Lieu of Taxes (PILOT)

Year	Payment in Lieu of Taxes (PILOT)
1	\$209,418
2	\$213,606
3	\$217,878
4	\$222,236
5	\$226,681
6	\$231,214
7	\$235,839
8	\$240,555
9	\$245,367
10	\$250,274
11	\$255,279
12	\$260,385
13	\$265,593
14	\$270,905
15	\$276,323
16	\$281,849
17	\$287,486
18	\$293,236
19	\$299,100
20	\$305,082
Total	\$5,088,307

## Fiscal Impact: City of Hagerstown

Other revenues including miscellaneous taxes and user fees collected from new residents and the Project and additional rent paid by tenant

Year	Miscellaneous Taxes and User Fees <i>New Residents</i>	Miscellaneous Taxes and User Fees <i>Project</i>	Additional Rent From Tenant	Total Other Revenues
1	\$734	\$4,558	\$497,010	\$502,301
2	\$748	\$4,649	\$497,010	\$502,407
3	\$763	\$4,742	\$497,010	\$502,515
4	\$779	\$4,837	\$497,010	\$502,625
5	\$794	\$4,934	\$497,010	\$502,737
6	\$810	\$5,032	\$497,010	\$502,852
7	\$826	\$5,133	\$497,010	\$502,969
8	\$843	\$5,236	\$497,010	\$503,088
9	\$860	\$5,340	\$497,010	\$503,210
10	\$877	\$5,447	\$497,010	\$503,334
11	\$894	\$5,556	\$497,010	\$503,460
12	\$912	\$5,667	\$497,010	\$503,589
13	\$931	\$5,781	\$497,010	\$503,721
14	\$949	\$5,896	\$497,010	\$503,855
15	\$968	\$6,014	\$497,010	\$503,992
16	\$987	\$6,134	\$497,010	\$504,131
17	\$1,007	\$6,257	\$497,010	\$504,274
18	\$1,027	\$6,382	\$497,010	\$504,419
19	\$1,048	\$6,510	\$497,010	\$504,567
20	\$1,069	\$6,640	\$497,010	\$504,719
Total	\$17,827	\$110,747	\$9,940,190	\$10,068,764

## Fiscal Impact: City of Hagerstown

Costs of providing municipal services and city-owned utility services to new residents and the Project

Year	Cost of Services <i>New Residents</i>	Cost of Services <i>Project</i>	Total Costs
1	(\$1,291)	(\$7,998)	(\$9,289)
2	(\$1,316)	(\$8,158)	(\$9,474)
3	(\$1,343)	(\$8,321)	(\$9,664)
4	(\$1,369)	(\$8,488)	(\$9,857)
5	(\$1,397)	(\$8,657)	(\$10,054)
6	(\$1,425)	(\$8,830)	(\$10,255)
7	(\$1,453)	(\$9,007)	(\$10,460)
8	(\$1,482)	(\$9,187)	(\$10,670)
9	(\$1,512)	(\$9,371)	(\$10,883)
10	(\$1,542)	(\$9,558)	(\$11,101)
11	(\$1,573)	(\$9,750)	(\$11,323)
12	(\$1,605)	(\$9,945)	(\$11,549)
13	(\$1,637)	(\$10,143)	(\$11,780)
14	(\$1,669)	(\$10,346)	(\$12,016)
15	(\$1,703)	(\$10,553)	(\$12,256)
16	(\$1,737)	(\$10,764)	(\$12,501)
17	(\$1,772)	(\$10,980)	(\$12,751)
18	(\$1,807)	(\$11,199)	(\$13,006)
19	(\$1,843)	(\$11,423)	(\$13,266)
20	(\$1,880)	(\$11,652)	(\$13,532)
Total	(\$31,356)	(\$194,330)	(\$225,686)

# Fiscal Impact: City of Hagerstown

## Net Benefits

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$811,583	(\$9,289)	\$802,295	\$802,295
2	\$817,875	(\$9,474)	\$808,400	\$1,610,695
3	\$824,292	(\$9,664)	\$814,628	\$2,425,323
4	\$830,838	(\$9,857)	\$820,981	\$3,246,304
5	\$837,514	(\$10,054)	\$827,460	\$4,073,764
6	\$844,324	(\$10,255)	\$834,069	\$4,907,833
7	\$851,271	(\$10,460)	\$840,810	\$5,748,643
8	\$858,356	(\$10,670)	\$847,686	\$6,596,329
9	\$865,583	(\$10,883)	\$854,700	\$7,451,029
10	\$872,954	(\$11,101)	\$861,854	\$8,312,883
11	\$880,473	(\$11,323)	\$869,150	\$9,182,033
12	\$888,142	(\$11,549)	\$876,593	\$10,058,626
13	\$895,965	(\$11,780)	\$884,185	\$10,942,811
14	\$903,944	(\$12,016)	\$891,928	\$11,834,740
15	\$912,083	(\$12,256)	\$899,827	\$12,734,567
16	\$920,384	(\$12,501)	\$907,883	\$13,642,450
17	\$928,852	(\$12,751)	\$916,101	\$14,558,551
18	\$937,489	(\$13,006)	\$924,482	\$15,483,033
19	\$946,298	(\$13,266)	\$933,032	\$16,416,065
20	\$955,284	(\$13,532)	\$941,752	\$17,357,817
Total	\$17,583,504	(\$225,686)	\$17,357,817	



## Fiscal Impact: Washington County

### Income tax collections

Year	On Direct Workers' Earnings	On Indirect Workers' Earnings	Total
1	\$30,000	\$11,199	\$41,199
2	\$30,600	\$11,423	\$42,023
3	\$31,212	\$11,651	\$42,863
4	\$31,836	\$11,884	\$43,721
5	\$32,473	\$12,122	\$44,595
6	\$33,122	\$12,365	\$45,487
7	\$33,785	\$12,612	\$46,397
8	\$34,461	\$12,864	\$47,325
9	\$35,150	\$13,121	\$48,271
10	\$35,853	\$13,384	\$49,237
11	\$36,570	\$13,652	\$50,221
12	\$37,301	\$13,925	\$51,226
13	\$38,047	\$14,203	\$52,250
14	\$38,808	\$14,487	\$53,295
15	\$39,584	\$14,777	\$54,361
16	\$40,376	\$15,072	\$55,448
17	\$41,184	\$15,374	\$56,557
18	\$42,007	\$15,681	\$57,689
19	\$42,847	\$15,995	\$58,842
20	\$43,704	\$16,315	\$60,019
Total	\$728,921	\$272,106	\$1,001,027

# Fiscal Impact: Washington County

Property tax collections on new residential property

Year	New Residential Property Tax Collections
1	\$0
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
11	\$0
12	\$0
13	\$0
14	\$0
15	\$0
16	\$0
17	\$0
18	\$0
19	\$0
20	\$0
Total	\$0

# Fiscal Impact: Washington County

Property tax collections on the Project's Real Property

Year	<u>Land</u>		<u>Buildings &amp; Other Real Property Improvements</u>		Total Real Property Taxes Collected after
	Taxes Collected	Taxes Abated	Taxes Collected	Taxes Abated	Abated
1	\$0	\$0	\$0	\$0	\$0
2	\$0	\$0	\$0	\$0	\$0
3	\$0	\$0	\$0	\$0	\$0
4	\$0	\$0	\$0	\$0	\$0
5	\$0	\$0	\$0	\$0	\$0
6	\$0	\$0	\$0	\$0	\$0
7	\$0	\$0	\$0	\$0	\$0
8	\$0	\$0	\$0	\$0	\$0
9	\$0	\$0	\$0	\$0	\$0
10	\$0	\$0	\$0	\$0	\$0
11	\$0	\$0	\$0	\$0	\$0
12	\$0	\$0	\$0	\$0	\$0
13	\$0	\$0	\$0	\$0	\$0
14	\$0	\$0	\$0	\$0	\$0
15	\$0	\$0	\$0	\$0	\$0
16	\$0	\$0	\$0	\$0	\$0
17	\$0	\$0	\$0	\$0	\$0
18	\$0	\$0	\$0	\$0	\$0
19	\$0	\$0	\$0	\$0	\$0
20	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0

# Fiscal Impact: Washington County

Property tax collections on the Project's Furniture, Fixtures, and Equipment and Inventories

Year	<u>Furniture, Fixtures, &amp; Equip.</u>		Total FF&E Property Taxes Collected after
	Taxes Collected	Taxes Abated	Abated
1	\$0	\$0	\$0
2	\$0	\$0	\$0
3	\$0	\$0	\$0
4	\$0	\$0	\$0
5	\$0	\$0	\$0
6	\$0	\$0	\$0
7	\$0	\$0	\$0
8	\$0	\$0	\$0
9	\$0	\$0	\$0
10	\$0	\$0	\$0
11	\$0	\$0	\$0
12	\$0	\$0	\$0
13	\$0	\$0	\$0
14	\$0	\$0	\$0
15	\$0	\$0	\$0
16	\$0	\$0	\$0
17	\$0	\$0	\$0
18	\$0	\$0	\$0
19	\$0	\$0	\$0
20	\$0	\$0	\$0
Total	\$0	\$0	\$0

## Fiscal Impact: Washington County

Other revenues including miscellaneous taxes and user fees collected from new residents and the Project

Year	Hotel Rental Taxes	Miscellaneous Taxes and User Fees <i>New Residents</i>	Miscellaneous Taxes and User Fees <i>Project</i>	Total
1	\$82,944	\$1,958	\$4,472	\$89,374
2	\$85,432	\$1,997	\$4,561	\$91,990
3	\$87,995	\$2,037	\$4,653	\$94,685
4	\$90,635	\$2,077	\$4,746	\$97,458
5	\$93,354	\$2,119	\$4,841	\$100,314
6	\$96,155	\$2,161	\$4,937	\$103,254
7	\$99,039	\$2,204	\$5,036	\$106,280
8	\$102,011	\$2,249	\$5,137	\$109,396
9	\$105,071	\$2,294	\$5,240	\$112,604
10	\$108,223	\$2,339	\$5,344	\$115,907
11	\$111,470	\$2,386	\$5,451	\$119,307
12	\$114,814	\$2,434	\$5,560	\$122,808
13	\$118,258	\$2,483	\$5,672	\$126,412
14	\$121,806	\$2,532	\$5,785	\$130,123
15	\$125,460	\$2,583	\$5,901	\$133,944
16	\$129,224	\$2,635	\$6,019	\$137,877
17	\$133,101	\$2,687	\$6,139	\$141,927
18	\$137,094	\$2,741	\$6,262	\$146,097
19	\$141,207	\$2,796	\$6,387	\$150,390
20	\$145,443	\$2,852	\$6,515	\$154,809
Total	\$2,228,736	\$47,562	\$108,658	\$2,384,956

## Fiscal Impact: Washington County

Costs of providing County services to new residents

Year	Cost of Services <i>New Residents</i>	Cost of Services <i>Project</i>	Total
1	(\$4,830)	(\$11,008)	(\$15,838)
2	(\$4,927)	(\$11,228)	(\$16,155)
3	(\$5,025)	(\$11,453)	(\$16,478)
4	(\$5,126)	(\$11,682)	(\$16,807)
5	(\$5,228)	(\$11,915)	(\$17,144)
6	(\$5,333)	(\$12,154)	(\$17,486)
7	(\$5,439)	(\$12,397)	(\$17,836)
8	(\$5,548)	(\$12,645)	(\$18,193)
9	(\$5,659)	(\$12,898)	(\$18,557)
10	(\$5,772)	(\$13,156)	(\$18,928)
11	(\$5,888)	(\$13,419)	(\$19,306)
12	(\$6,005)	(\$13,687)	(\$19,693)
13	(\$6,126)	(\$13,961)	(\$20,086)
14	(\$6,248)	(\$14,240)	(\$20,488)
15	(\$6,373)	(\$14,525)	(\$20,898)
16	(\$6,501)	(\$14,815)	(\$21,316)
17	(\$6,631)	(\$15,112)	(\$21,742)
18	(\$6,763)	(\$15,414)	(\$22,177)
19	(\$6,898)	(\$15,722)	(\$22,621)
20	(\$7,036)	(\$16,037)	(\$23,073)
Total	(\$117,356)	(\$267,465)	(\$384,822)

# Fiscal Impact: Washington County

## Net Benefits

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$130,573	(\$15,838)	\$114,735	\$114,735
2	\$134,013	(\$16,155)	\$117,859	\$232,593
3	\$137,548	(\$16,478)	\$121,070	\$353,663
4	\$141,179	(\$16,807)	\$124,371	\$478,035
5	\$144,909	(\$17,144)	\$127,765	\$605,800
6	\$148,741	(\$17,486)	\$131,254	\$737,054
7	\$152,677	(\$17,836)	\$134,841	\$871,895
8	\$156,721	(\$18,193)	\$138,528	\$1,010,423
9	\$160,875	(\$18,557)	\$142,319	\$1,152,741
10	\$165,144	(\$18,928)	\$146,216	\$1,298,957
11	\$169,529	(\$19,306)	\$150,222	\$1,449,179
12	\$174,034	(\$19,693)	\$154,341	\$1,603,521
13	\$178,663	(\$20,086)	\$158,576	\$1,762,097
14	\$183,419	(\$20,488)	\$162,930	\$1,925,027
15	\$188,305	(\$20,898)	\$167,407	\$2,092,435
16	\$193,326	(\$21,316)	\$172,010	\$2,264,445
17	\$198,485	(\$21,742)	\$176,742	\$2,441,187
18	\$203,785	(\$22,177)	\$181,608	\$2,622,795
19	\$209,232	(\$22,621)	\$186,611	\$2,809,406
20	\$214,829	(\$23,073)	\$191,756	\$3,001,162
Total	\$3,385,984	(\$384,822)	\$3,001,162	

## Fiscal Impact: State of Maryland

### Income tax collections

Year	On Direct Workers' Earnings	On Indirect Workers' Earnings	Total
1	\$46,000	\$17,172	\$63,172
2	\$46,920	\$17,515	\$64,435
3	\$47,858	\$17,866	\$65,724
4	\$48,816	\$18,223	\$67,038
5	\$49,792	\$18,587	\$68,379
6	\$50,788	\$18,959	\$69,747
7	\$51,803	\$19,338	\$71,142
8	\$52,840	\$19,725	\$72,565
9	\$53,896	\$20,119	\$74,016
10	\$54,974	\$20,522	\$75,496
11	\$56,074	\$20,932	\$77,006
12	\$57,195	\$21,351	\$78,546
13	\$58,339	\$21,778	\$80,117
14	\$59,506	\$22,214	\$81,719
15	\$60,696	\$22,658	\$83,354
16	\$61,910	\$23,111	\$85,021
17	\$63,148	\$23,573	\$86,721
18	\$64,411	\$24,045	\$88,456
19	\$65,699	\$24,526	\$90,225
20	\$67,013	\$25,016	\$92,029
Total	\$1,117,679	\$417,230	\$1,534,908



## Fiscal Impact: State of Maryland

## Sales tax collections

Year	During Construction and Purchases of Furniture, Fixtures, and Equipment	On Direct and Indirect Workers' Spending	On Visitors' Spending	Taxable Sales from the Project	Local Purchases and Taxable Utilities from the Project	Sales Tax Rebates	Total
1	\$23,760	\$3,731	\$160,358	\$37,800	\$0	\$0	\$225,649
2	\$0	\$3,805	\$165,169	\$38,556	\$0	\$0	\$207,530
3	\$0	\$3,881	\$170,124	\$39,327	\$0	\$0	\$213,333
4	\$0	\$3,959	\$175,228	\$40,114	\$0	\$0	\$219,301
5	\$0	\$4,038	\$180,485	\$40,916	\$0	\$0	\$225,439
6	\$0	\$4,119	\$185,899	\$41,734	\$0	\$0	\$231,752
7	\$0	\$4,201	\$191,476	\$42,569	\$0	\$0	\$238,247
8	\$0	\$4,285	\$197,221	\$43,420	\$0	\$0	\$244,926
9	\$0	\$4,371	\$203,137	\$44,289	\$0	\$0	\$251,797
10	\$0	\$4,458	\$209,231	\$45,174	\$0	\$0	\$258,864
11	\$0	\$4,548	\$215,508	\$46,078	\$0	\$0	\$266,134
12	\$0	\$4,639	\$221,974	\$47,000	\$0	\$0	\$273,612
13	\$0	\$4,731	\$228,633	\$47,940	\$0	\$0	\$281,304
14	\$0	\$4,826	\$235,492	\$48,898	\$0	\$0	\$289,216
15	\$0	\$4,922	\$242,556	\$49,876	\$0	\$0	\$297,355
16	\$0	\$5,021	\$249,833	\$50,874	\$0	\$0	\$305,728
17	\$0	\$5,121	\$257,328	\$51,891	\$0	\$0	\$314,341
18	\$0	\$5,224	\$265,048	\$52,929	\$0	\$0	\$323,201
19	\$0	\$5,328	\$272,999	\$53,988	\$0	\$0	\$332,315
20	\$0	\$5,435	\$281,189	\$55,067	\$0	\$0	\$341,692
Total	\$23,760	\$90,644	\$4,308,890	\$918,441	\$0	\$0	\$5,341,735

# Fiscal Impact: State of Maryland

## Property tax collections on new residential property

Year	New Residential Property Tax Collections
1	\$0
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
11	\$0
12	\$0
13	\$0
14	\$0
15	\$0
16	\$0
17	\$0
18	\$0
19	\$0
20	\$0
Total	\$0

# Fiscal Impact: State of Maryland

Property tax collections on the Project's Real Property

Year	<u>Land</u>		<u>Buildings &amp; Other Real Property Improvements</u>		Total Real Property Taxes Collected after
	Taxes Collected	Taxes Abated	Taxes Collected	Taxes Abated	Abated
1	\$0	\$0	\$0	\$0	\$0
2	\$0	\$0	\$0	\$0	\$0
3	\$0	\$0	\$0	\$0	\$0
4	\$0	\$0	\$0	\$0	\$0
5	\$0	\$0	\$0	\$0	\$0
6	\$0	\$0	\$0	\$0	\$0
7	\$0	\$0	\$0	\$0	\$0
8	\$0	\$0	\$0	\$0	\$0
9	\$0	\$0	\$0	\$0	\$0
10	\$0	\$0	\$0	\$0	\$0
11	\$0	\$0	\$0	\$0	\$0
12	\$0	\$0	\$0	\$0	\$0
13	\$0	\$0	\$0	\$0	\$0
14	\$0	\$0	\$0	\$0	\$0
15	\$0	\$0	\$0	\$0	\$0
16	\$0	\$0	\$0	\$0	\$0
17	\$0	\$0	\$0	\$0	\$0
18	\$0	\$0	\$0	\$0	\$0
19	\$0	\$0	\$0	\$0	\$0
20	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0

# Fiscal Impact: State of Maryland

Property tax collections on the Project's Furniture, Fixtures, and Equipment and Inventories

Year	<u>Furniture, Fixtures, &amp; Equip.</u>		Total FF&E Property Taxes Collected after
	Taxes Collected	Taxes Abated	Abated
1	\$0	\$0	\$0
2	\$0	\$0	\$0
3	\$0	\$0	\$0
4	\$0	\$0	\$0
5	\$0	\$0	\$0
6	\$0	\$0	\$0
7	\$0	\$0	\$0
8	\$0	\$0	\$0
9	\$0	\$0	\$0
10	\$0	\$0	\$0
11	\$0	\$0	\$0
12	\$0	\$0	\$0
13	\$0	\$0	\$0
14	\$0	\$0	\$0
15	\$0	\$0	\$0
16	\$0	\$0	\$0
17	\$0	\$0	\$0
18	\$0	\$0	\$0
19	\$0	\$0	\$0
20	\$0	\$0	\$0
Total	\$0	\$0	\$0

# Fiscal Impact: State of Maryland

## Net Benefits

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$288,821	\$0	\$288,821	\$288,821
2	\$271,966	\$0	\$271,966	\$560,786
3	\$279,057	\$0	\$279,057	\$839,843
4	\$286,339	\$0	\$286,339	\$1,126,182
5	\$293,818	\$0	\$293,818	\$1,420,000
6	\$301,499	\$0	\$301,499	\$1,721,499
7	\$309,388	\$0	\$309,388	\$2,030,888
8	\$317,491	\$0	\$317,491	\$2,348,378
9	\$325,813	\$0	\$325,813	\$2,674,191
10	\$334,360	\$0	\$334,360	\$3,008,552
11	\$343,140	\$0	\$343,140	\$3,351,691
12	\$352,158	\$0	\$352,158	\$3,703,849
13	\$361,421	\$0	\$361,421	\$4,065,270
14	\$370,935	\$0	\$370,935	\$4,436,205
15	\$380,709	\$0	\$380,709	\$4,816,915
16	\$390,749	\$0	\$390,749	\$5,207,663
17	\$401,062	\$0	\$401,062	\$5,608,726
18	\$411,657	\$0	\$411,657	\$6,020,382
19	\$422,540	\$0	\$422,540	\$6,442,922
20	\$433,721	\$0	\$433,721	\$6,876,644
Total	\$6,876,644	\$0	\$6,876,644	



## Agenda Report Form

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### Open Session Item

**SUBJECT:** Bid Award (PUR-1572) – Spectroscopy Unit

**PRESENTATION DATE:** November 1, 2022

**PRESENTATION BY:** Brandi Naugle, CPPB, Buyer, Purchasing Department and Eric Jacobs, EFO, Operations Manager – Fire/EMS, Division of Emergency Services

**RECOMMENDED MOTION:** Move to authorize the approval for the purchase of one (1) New Spectroscopy unit for the Division of Emergency Services from 908 Devices Inc., of Boston, MA who submitted the lowest total sum in the amount of \$98,296.11.

**REPORT-IN-BRIEF:** The county accepted bids on October 12, 2022. The Invitation to Bid (ITB) was advertised on the State of Maryland's (eMMA) "*eMaryland Marketplace Advantage*" website and the County's website, and in the local newspaper. Seventeen (17) person/companies registered/downloaded the bid document on-line. One (1) bid was received, as indicated on the Bid Tabulation Matrix.

**DISCUSSION:** The MX908 is a handheld mass spectrometer that identifies unknown substances in the forms of solids, liquids, aerosols, and gases at trace levels. This device has an integrated, high pressure mass spec technology that separates ions and performs analysis with minimal time delay. This device will evolve with future threat detection through simple software upgrades. This device includes an on-site formal training class and a five (5) year warranty with support and reach back services. This device will be stored and maintained on our hazardous materials unit for quick deployment to incidents.

**FISCAL IMPACT:** Funding is available in the department's operating budget 600400-10-11430.

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Bid Tabulation Matrix

**AUDIO/VISUAL NEEDS:** N/A

PUR-1572  
One (1) New Spectroscopy Unit

<b>Description / (Price per Unit)</b>	<b>908 Devices, Inc. Bonston, MD</b>
One (1) New Spectroscopy Unit	\$98,296.11
Delivery Date	Less than 90 days
State Warranty	5-years warranty and support
Remarks/Exceptions	Price includes everything needed to operate the instrument including onsite training and all consumables. Warranty and Support includes Next-Day loaner units, 24/7/365 Customer Support. 24/7/365 Reachback Support for Spectral Analysis and Software and Target list updates.

*\*Corrected Calculations Based on Unit Pricing*



## Agenda Report Form

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### Open Session Item

**SUBJECT:** Sole Source Contract Award (PUR-1589) – Microwave Hops to Upgrade Existing Microwave Links

**PRESENTATION DATE:** November 1, 2022

**PRESENTATION BY:** Rick Curry, CPPO, Director of Purchasing; Tom Weber, Deputy Director of Communications Wireless

**RECOMMENDATION:** Motion to authorize a Sole Source procurement/installation for Wireless Communications to enter into a contract with MIEMSS (Maryland Institute for Emergency Medical Services System) for the Microwave Hops to Upgrade the Existing Three (3) Microwave Links at a cost of \$50,000 per link for the total sum not to exceed \$150,000 and to reimburse MIEMSS for the purchase of materials for the links.

**REPORT-IN-BRIEF:** MIEMSS is procuring the material through its small procurement process and MIEMSS will be installing the materials. As part of the ASTRO P25 radio system upgrade Washington County's radio system needs to transition from T1 based backhaul to Ethernet based backhaul in order to maintain support by Motorola. MIEMSS also desires to upgrade the microwave backhaul to support T1 and Ethernet transport modes utilized by the MIEMSS network. MIEMSS will upgrade the existing three (3) mutually beneficial Microwave Networks CM Series microwave radios, which are T1 capable only, to Microwave Networks Incorporated Proteus MX microwave radios which natively support T1 and Ethernet payloads. MIEMSS will procure three (3) microwave radio links and accessories through the Maryland State small procurement process. Microwave links to be replaced are as follows: Sideling Hill to Fairview SHA...Quirauk to Gambrills Mountain...Gambrills Mountain to Marlu Ridge

**DISCUSSION:** The Communications Wireless 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: The compatibility of equipment, accessories, or replacement parts is the paramount consideration.

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:** Funding is available in the department's CIP (Capital Improvement Plan) account COM030.



**CONCURRENCES:** Director, Information Systems

**ALTERNATIVES:** N/A

**ATTACHMENTS:** N/A



## Agenda Report Form

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### Open Session Item

**SUBJECT:** Sole Source Contract Award (PUR-1588) – P25 Radio System MPLS and IP Simulcast Upgrade

**PRESENTATION DATE:** November 1, 2022

**PRESENTATION BY:** Rick Curry, CPPO, Director of Purchasing; Tom Weber, Deputy Director of Wireless Communications

**RECOMMENDATION:** Motion to authorize a Sole Source procurement/installation of radio software upgrade for Wireless Communications to enter into a contract for the purchase and installation of a MPLS (Multiprotocol Label Switching) and IP (Internet Protocol) Simulcast Upgrade for the ASTRO P25 radio system from Motorola Solutions, Inc. of Linthicum, MD for the total sum in the amount of \$1,703,356.26 based on its proposal dated October 3, 2022.

**REPORT-IN-BRIEF:** The project is for a MPLS ethernet backhaul upgrade to the existing MIEMSS (Maryland Institute for Emergency Medical System Services) provided microwave backhaul and an IP Simulcast upgrade of the Motorola ASTRO P25 radio system. The upgrade will update the radio system to support diversified Ethernet connectivity between all ten (10) transmission sites vs. old T1 connections that in some cases have potential for single point of failure. In turn this will allow the system to be upgraded to the latest Motorola software release and take advantage of the new voice and data and GPS features available to end users. As the existing backhaul network for the radio system is based on T1's, the current ASTRO P25 radio system cannot be upgraded beyond its current software release.

**DISCUSSION:** Wireless Communications 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 and (2) The compatibility of equipment, accessories, or replacement parts is the paramount consideration.

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:** Funding is available in the department's CIP (Capital Improvement Plan) account COM030.

**CONCURRENCES:** Director, Information Systems

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Motorola Solutions' Quote 20221003 dated October 3, 2022

**Washington County, MD**  
**MPLS and IP Simulcast Upgrade**  
**Pricing**

3-Oct-22

	MPLS	IP Simulcast	Total	Notes
<b>Equipment</b>				
MPLS Routers	\$ 234,296.80		\$ 234,296.80	(Routers Added for MIEMSS)
IP Simulcast				
Virtual Prime Site		\$ 371,413.25	\$ 371,413.25	
Base Station License		\$ 450,500.00	\$ 450,500.00	
Firewall		\$ 2,640.00	\$ 2,640.00	
MPLS Spares	\$ 19,642.40		\$ 19,642.40	Increased MPLS spares
TRAK DDM Spares		\$ 3,214.80	\$ 3,214.80	
Gen 2 Pwr Amp Spares (Qty 5)		\$ 13,600.00	\$ 13,600.00	(See Gen 2 Board Incentive)
Gen 2 Transceiver Boards (Qty 100)		\$ 297,500.00	\$ 297,500.00	(See Gen 2 Board Incentive)
<b>Sub-Total Equipment</b>	<b>\$ 253,939.20</b>	<b>\$ 1,138,868.05</b>	<b>\$ 1,392,807.25</b>	
<b>Implementation</b>				
Project Management	\$ 39,031.98	\$ 91,074.62	\$ 130,106.60	
Engineering Services	\$ 130,222.03	\$ 303,851.41	\$ 434,073.44	
Installation	\$ 31,108.43	\$ 72,586.34	\$ 103,694.78	
Install Gen 2 Boards in GTR Stations		\$ 18,181.82	\$ 18,181.82	(See Gen 2 Board Incentive)
Antenna Line Sweeps / Prev. Maintenance		\$ 18,181.82	\$ 18,181.82	(Customer requested task)
Dispose of Decommissioned Eqt		\$ 3,636.36	\$ 3,636.36	(See Decomm. Incentive)
Training	\$ 16,077.71	\$ 37,514.66	\$ 53,592.38	
<b>Sub-Total Implementation</b>	<b>\$ 216,440.16</b>	<b>\$ 545,027.03</b>	<b>\$ 761,467.19</b>	
<b>Total System Price</b>	<b>\$ 470,379.36</b>	<b>\$ 1,683,895.08</b>	<b>\$ 2,154,274.44</b>	

Gen 2 Boards Incentive	Note 1	\$ (329,281.82)
Decommissioning Incentive		\$ (3,636.36)
Base Station License & Engineering Services Incentive	Note 2	\$ (91,000.00)
<b>Final Sale Price</b>		<b>\$ 1,730,356.26</b>

**Notes:**

1. Gen 2 Board Incentive requires executed contract by 11/30/22
2. Base Station License & Engineering Services Incentive requires executed contract by 11/30/22



## Agenda Report Form

### Open Session Item

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

**PRESENTATION DATE:** November 1, 2022

**PRESENTATION BY:** Kirk C. Downey, County Attorney

**RECOMMENDED MOTION:** N/A. Consensus to grant or deny the rezoning.

**REPORT-IN-BRIEF:** Application for a rezoning to reclassify the subject property's zoning classification from Highway Interchange to Mixed Use.

**DISCUSSION:** Sharpsburg Pike Holdings, LLC has made application for a zoning map amendment to establish a new Mixed Use zoning district at 10319 Sharpsburg Pike, between Col. Henry K. Douglas Drive and Poffenberger Road, approximately 1/3 mile south of the Interstate 70 interchange. The parcel is currently zoned Highway Interchange.

The Zoning Ordinance provides as follows: "Washington County offers a variety of Mixed Use Districts to permit a greater degree of flexibility and creativity in the design and development of residential, commercial, and employment-focused areas than is possible under conventional zoning standards. The 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 scenic attractiveness."

The applicant seeks to develop the property with a mix of commercial and residential uses, including multi-family apartments and townhouses.

The Planning Commission voted unanimously to recommend denial of the requested map amendment.

**FISCAL IMPACT:** N/A

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** N/A



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

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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  
Witness

Mansoor Emral Shaool (SEAL)  
Mansoor Emral Shaool

Breanne Chang  
Witness

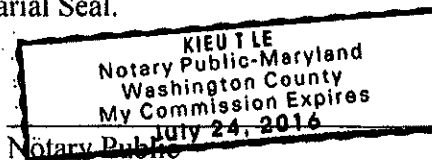
Janet Emral Shaool (SEAL)  
Janet Emral Shaool

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:



[Signature]

KURTZYKA & ASSOCIATES  
ATTORNEY AT LAW

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



4436 0129

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WASHINGTON COUNTY

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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
DJH 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)**

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 Shaoal

Janet Emral Shaoal

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 Shaoal, 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

4436 0131

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WASHINGTON COUNTY

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EXAMINATION

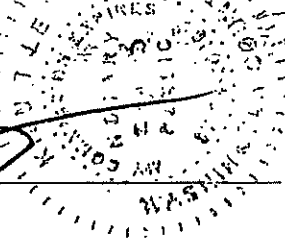
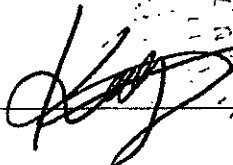
STATE OF Maryland, COUNTY OF Washington, to-wit:

I HEREBY CERTIFY, That on this 12 day of December, 2013,  
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



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  
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(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) DUW 4436, p. 0134, MSA\_CE18\_4361. Date available 01/04/2013. Printed 04/29/2021.

**EXHIBIT B**

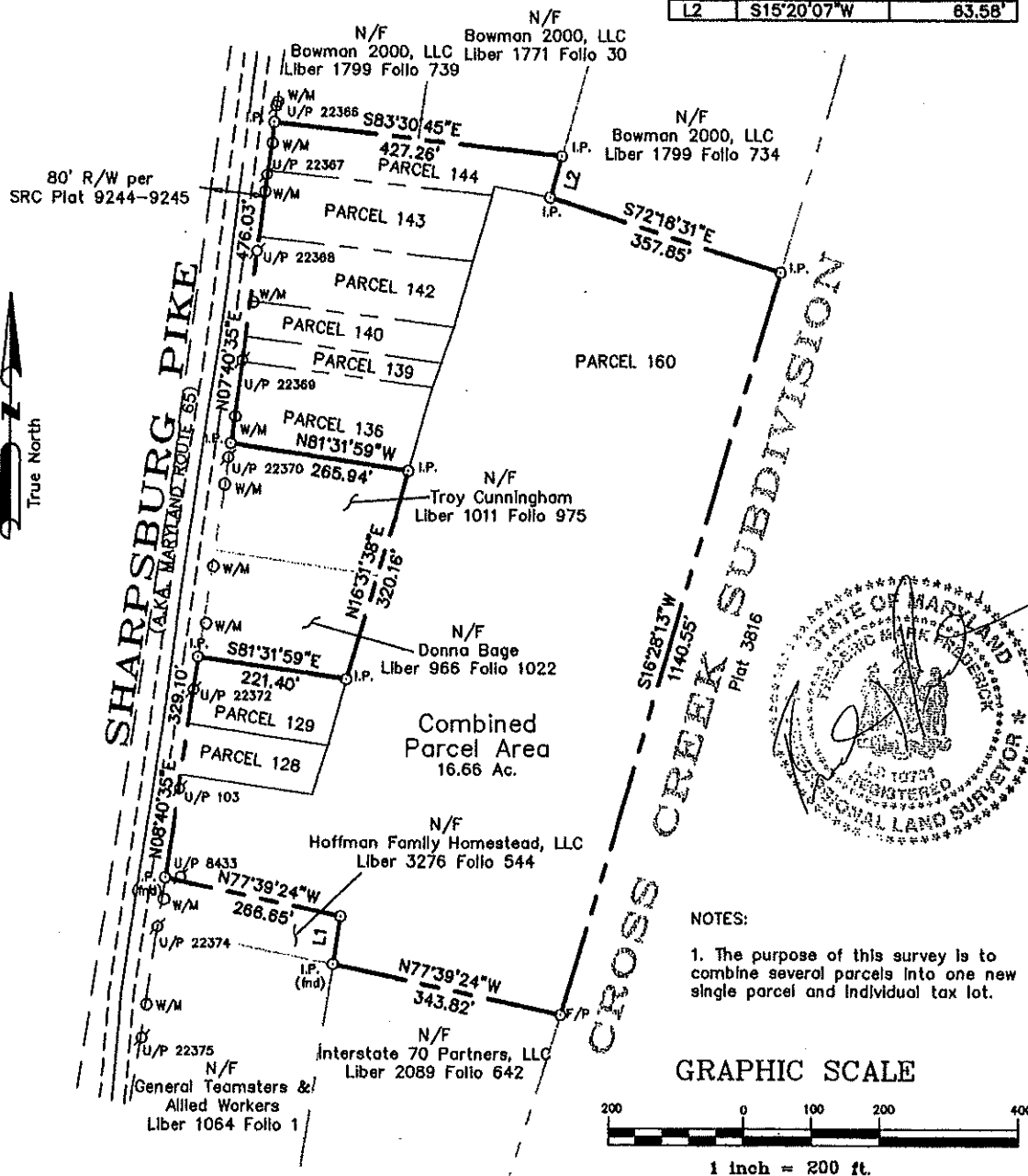
Property Line Survey  
for  
*Lands of Mansoor and  
Janet Emral Shaool*

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.																																																																																																																																																																																																																																																	
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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="2">New Owner's (Grantee) Mailing Address</td> <td colspan="4">72 W. 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Space Reserved for County Validation

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

WASHINGTON COUNTY CIRCUIT COURT (Land Records) DJW 4436, p. 0135, MSA\_CE18\_4361. Date available 01/04/2013. Printed 04/29/2021.

Space Reserved for Circuit Court Clerk Recording Validation

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.

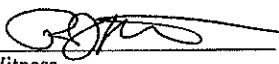
**Subject to and together with** all restrictions, covenants, conditions, easements and rights of way of record.

**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  
COUNTY OF WASHINGTON


} ss

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

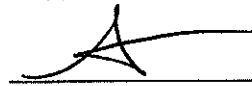
  
\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

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.



---

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



**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



# Shops at Sharpsburg Pike Zoning Concept







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.

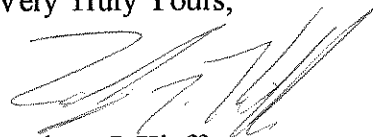
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Historic Resources. No less than 10 sites in the relative vicinity of the Property are identified on the Historic Resources Map, maintained by the County Geographic Information Systems office, and inventoried by the Maryland Historic Trust ("MHT"). 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

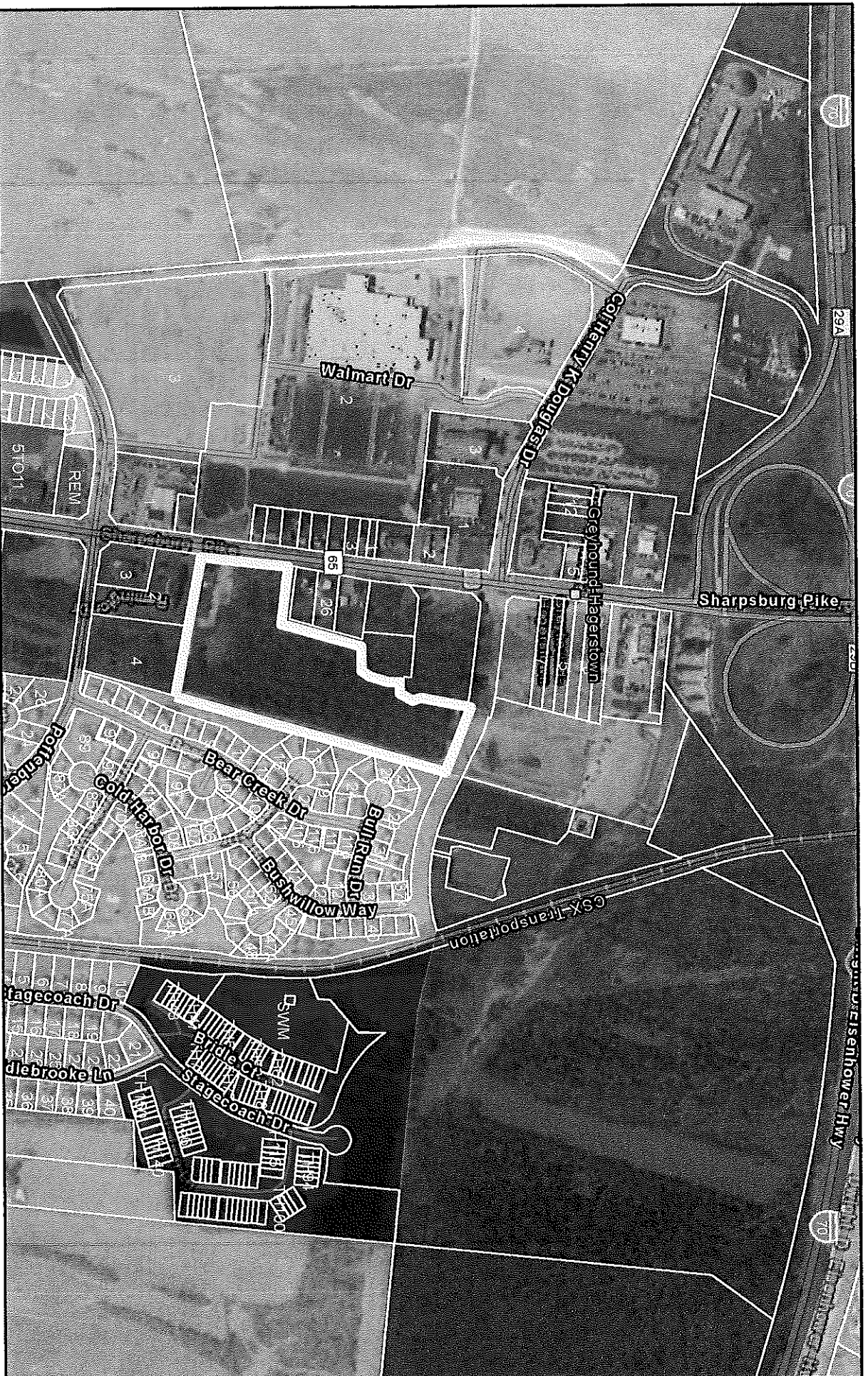
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Very Truly Yours,

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Zachary J. Kieffer  
*Attorney at Law*

# Shops at Sharpsburg Pike Zoning Concept



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

World Transportation

Parcels

Industrial, Restricted

MD\_SixInchImagery Zoning

Residential Multi-Family

Highway Interchange

Residential Urban



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

April 29, 2021

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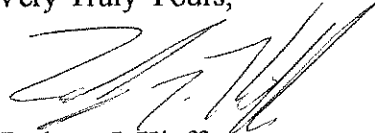
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Very Truly Yours,

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

Zachary J. Kieffer  
*Attorney at Law*



August, 2021

Case #: RZ-21-005

## Application for Map Amendment Staff Report and Analysis

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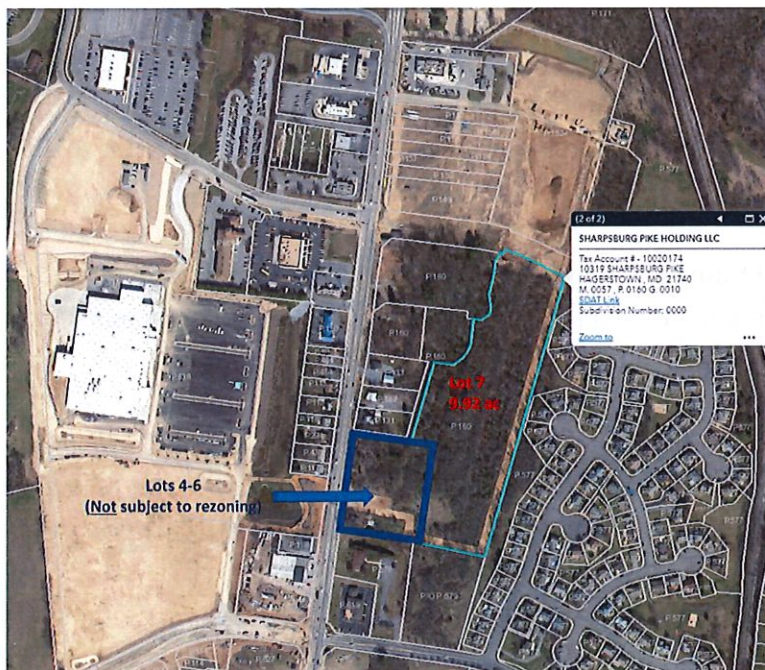
Property Owner(s)	:	Sharpsburg Pike Holdings, LLC
Applicant(s)	:	Sharpsburg Pike Holdings, LLC
Location	:	Sharpsburg Pike, 1/3 mile south I-70 interchange
Election District	:	#10 – Funkstown
Comprehensive Plan		
Designation	:	High Density Residential
Zoning Map	:	57
Parcel(s)	:	P. 160
Acreage	:	9.92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

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### 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.

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<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

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<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.

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<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.”*

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



### III. Additional Considerations

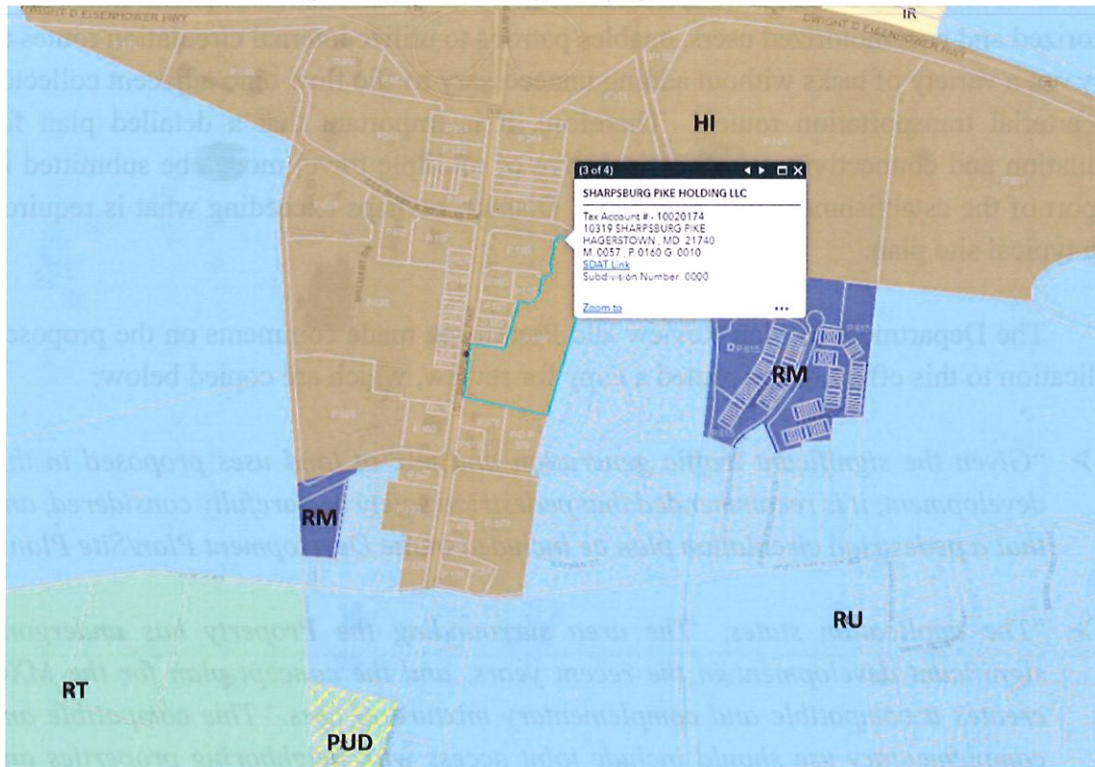
#### A. Compatibility with Existing and Proposed Development in the Area:

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>*

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<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

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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 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 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

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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

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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

>>

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>> 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

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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

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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

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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

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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

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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

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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

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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

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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

---

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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

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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

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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

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

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Planning Commission,

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Best regards,  
Shayla Jackson  
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**Date:** Monday, August 23, 2021 8:14:59 PM

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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

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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 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 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

>

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>

> 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.

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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

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>

> 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

>>

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>> -----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

>>

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>>

>> 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

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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

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**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

---

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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

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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

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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

---

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Debbie Ebersole

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> Debra S. Eckard

> Administrative Assistant

> Washington County Dept. of Planning & Zoning

> 100 W. Washington Street, Suite 2600

> Hagerstown, MD 21740

> 240-313-2430

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> Subject: RZ 21-005

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>

> Debbie Ebersole

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

---

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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

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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

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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.**

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**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

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**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.**

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**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

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**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

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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

**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.

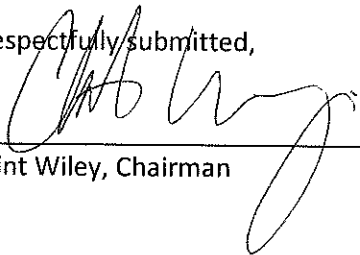
### **UPCOMING MEETINGS**

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.

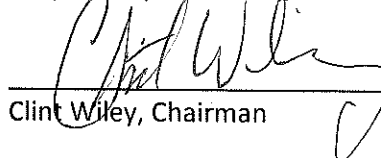
### **UPCOMING MEETINGS**

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. Stotelmeyer 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.

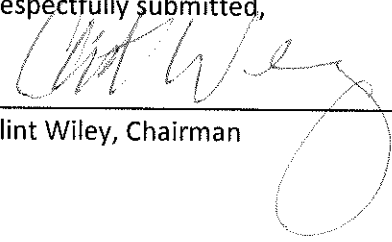
#### **UPCOMING MEETINGS**

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



## **Board of County Commissioners of Washington County, Maryland**

### ***Open Session Minutes***

**June 28, 2022**

***\*REVISED August 30, 2022\****

### **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

A moment of silence was observed, followed by the Pledge of Allegiance to the Flag by the full assemblage.

### **CALL TO ORDER**

President Jeffrey A. Cline called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 10:00 a.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present: Commissioner Terry L. Baker; Commissioner Wayne K. Keefer; Commissioner Charles A. Burkett; and Commissioner Randall E. Wagner.

### **APPROVAL OF MINUTES**

Commissioner Baker, seconded by Commissioner Burkett, moved to approve the minutes of June 14, 2022. The motion passed 3-1-0; Commissioner Keefer abstained due to an absence.

### **COMMISSIONER COMMENTS**

*The Commissioners provided a brief overview of events attended throughout Washington County.*

Vice President Baker thanked Dr. Boyd Michael, Superintendent, Washington County Public Schools, for his years of service.

Commissioner Keefer wished Dr. Sovine good luck in his upcoming new role; he also echoed Vice President Baker's comments. Additionally, he added that he attended the MML Conference and reached completion of his Academy for Excellence Certificate program, sharing course titles required. He also thanked everyone who responded to a recent 911 call he was a part of.

Commissioner Burkett also congratulated Dr. Michael in his upcoming retirement.

Commissioner Wagner echoed Commissioner Baker's comments. Additionally, he requested that staff review budgetary surplus amounts and provide the Commissioners with an update.

President Cline congratulated Dr. Michael and thanked him for his years of service to the community.

### **STAFF COMMENTS**

#### **County Clerk**

#### **Washington County Plumbing and Mechanical Board**

Commissioner Baker, seconded by Commissioner Wagner, moved to reappoint Arnold Eby and Charles Semler, each to serve a sixth term from February 1, 2022 through January 31, 2025; this is NOT a paid board. The motion passed unanimously.

#### **County Administrator**

John Martirano thanked staff for assisting during his absence; he reminded all that there will be no meeting next week due to the 4<sup>th</sup> of July holiday. He also thanked Dr. Michael for his service to the citizens of Washington County.

### **CITIZEN PARTICIPATION**

Dr. Boyd Michael, Superintendent, Washington County Public Schools, 10435 Downsville Pike, Hagerstown, thanked the Commissioners for the kind comments. Additionally, he discussed budget for the upcoming fiscal year, to include the staffing shortage.

### **FISCAL YEAR 2022 BUDGET ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATIONS GENERAL FUND BUDGET**

Jeffrey Proulx, Chief Operating Officer, and David Brandenburg, Executive Director of Finance, Washington County Public Schools presented for approval, budget adjustments to the Board of Education's (BOE) Fiscal Year 2022 (FY22) General Fund Budget. Mr. Proulx reviewed the changes to the budget as approved by the BOE on June 14, 2022, as outlined.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the budget adjustments to the BOE FY22 General Fund Budget as presented. The motion passed unanimously.

### **PUBLIC HEARING: APPLICATION FOR ZONING MAP AMENDMENT RZ-21-005**

President Cline convened a public hearing at 10:30 a.m. to obtain public comment regarding the rezoning application to establish a new Mixed-Use Commercial (MXC) floating zone over top of the existing Highway Interchange (HI) base through a rezoning map amendment. President Cline reviewed the procedures for the Public Hearing; Krista Hart, County Clerk, provided the Oath for those wishing to provide testimony in the matter.

Travis Allen, Comprehensive Planner, ~~and Jill Baker, Director,~~ Planning and Zoning, presented the staff report and analysis for RZ-21-005. The applicant, Sharpsburg Pike Holdings, LLC seeks a map amendment to establish a new Mixed-Use zoning district at 10319 Sharpsburg Pike, approximately 1/3 mile south of Interstate 70 interchange.

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; Planning Commission again voted unanimously to recommend denial.

Zachary Kieffer, Law Office of Zachary J. Kieffer, LLC, 19405 Emerald Square, Suite 2100, Office 202, Hagerstown, Maryland, presented on behalf of the applicant, discussing the proposed age restricted units.

Trevor Frederick, Engineer, Frederick, Seibert, and Associates, 128 S Potomac Street; and Sassan Shaool, 1741 Dual Highway spoke on the number of planned units.

The Public Hearing was opened for citizen participation; no citizens offered testimony.

The Public Hearing was opened for Commissioner comment.

Commissioner Wagner inquired into the permissible uses for the location, to include the proposed units and the impact on schools, if any.

Commissioner Keefer asked who would be responsible to "police" the age requirements.

Commissioner Burkett discussed the community opposition shared.

Commissioner Keefer discussed the school capacity, referencing material included in the Agenda Request Form under staff report. Jill Baker, Director, shared that the demographic information is required. Additionally, he discussed the Medium Range Growth Area and water supply.

The Public Hearing was concluded at 11:03 a.m.

The Commissioners reached a consensus to discuss the matter at a future meeting.

*The Commissioners recessed at 11:05 a.m. and returned to the meeting*

#### **PUBLIC HEARING:TEXT AMENDMENT TO BUILDING EXCISE TAX ORDINANCE**

President Cline convened a Public Hearing at 11:16 a.m. to obtain public comment regarding proposed text amendments to the Building Excise Tax Ordinance, Section 7. Commissioner Cline reviewed the procedures for the Public Hearing.

Rich Eichelberger, Director, Permits and Inspections, and Kirk Downey, County Attorney, provided an overview of the matter. Mr. Eichelberger shared that the proposed amendments would remove conversion construction from (1) nonresidential, nonretail to nonresidential retail and (2) from nonresidential retail to nonresidential nonretail from the tax.

The Public Hearing was opened for public comment; no citizens offered testimony on the matter.

The Public Hearing was opened for Commissioner comment.

The Public Hearing was closed at 11:18 a.m.

Commissioner Burkett, seconded by Commissioner Baker, moved to the proposed text amendments as presented. The motion passed unanimously.

#### **APPLICATION FOR ZONING MAP AMENDMENT RZ-22-002**

Mr. Allen requested approval to approve or deny the applicant's request to rezone the property located at 21036 National Pike, for a partial termination of the Rural Business Floating Zone on 5.64 acres, to enable the applicant to pursue a residential use. Mr. Allen shared that the Planning Commission reviewed and recommended approval at its regular meeting on June 6, 2022.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the application for Zoning Map Amendment RZ-22-002, as presented. The motion passed unanimously.

#### **FORT RITCHIE GRAVITY LINES AND MANHOLE REPLACEMENT**

Mark Bradshaw, Director, Environmental Management, recommended approval of Change Order Number 4 for C. William Hetzer, Inc., in the amount of \$51,929 to align bid quantities with field quantities.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve Change Order Number 4 with C. William Hetzer, Inc. in the amount of \$51,929, as presented. The motion passed unanimously.

#### **CONTRACT BID AWARD (PUR1553) ENGINEERING SERVICES REQUIREMENTS CONTRACT FOR THE DEPARTMENT OF SOLID WASTE**

Brandi Naugle, Buyer, Purchasing, and Dave Mason, Deputy Director, Solid Waste, recommended award of a contract for the Engineering Services for the Department of Solid Waste to the responsible, responsive bidder, SCS Engineers, Columbia, Maryland, in the about of \$156,490 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, under exact terms, as follows: EA Engineering, Science, and Technology, Inc.; PBC and ARM Group Enterprises, LLC A/K/A Arm Group, LLC.; funds are budgeted in various Capital Improvement Projects and General Operating

Budget project accounts. The contract duration is two (2) years, with option by the County to renew up to three (3) additional consecutive one (1) year periods.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve award of the contract PUR1553, as presented. The motion passed unanimously.

**CONTRACT BID AWARD (PUR1554) LANDFILL MONITORING SERVICES REQUIREMENTS CONTRACT FOR THE DEPARTMENT OF SOLID WASTE**

Rick Curry, Director, Purchasing, and Mr. Mason recommended award of a contract for the Landfill Monitoring Services to the responsible, responsive bidder, Environmental Alliance, Inc., Glen Burnie, Maryland, in the lowest total amount of \$110,051.99 (annual); funds are budgeted in the departments operating budget.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the award of the contract PUR1554 to Environmental Alliance, Inc, in the amount of \$110,051.99, as presented. The motion passed unanimously.

**CONTRACT BID AWARD (PUR1547) ENGINEERING SERVICES REQUIREMENTS CONTRACT DIVISION OF ENVIRONMENTAL MANAGEMENT**

Mr. Curry and Mr. Bradshaw recommended award of a primary requirements contract for Engineering Services, Division of Environmental Management to the responsible, responsive bidder, The EADS Group, Inc., Cumberland, Maryland in the amount of \$127,750 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, under exact terms as follows: Buchart Horn, Inc.; Charles P. Johnson and Associates, Inc.; AECOM Technical Services, Inc.; EA Engineering, Science, and Technology, Inc.; funds are budgeted in various Capital Improvement Projects and General Operating Budget project accounts. The contract duration is two (2) years, with option by the County to renew up to three (3) additional consecutive one (1) year periods.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve award of the contract PUR1547, as presented. The motion passed unanimously.

**INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-22-0089) TWO NEW 2023 COMPACT VEHICLES**

Mr. Curry and Mr. Bradshaw recommended authorization by Resolution for the Division of Environmental Management to purchase by Resolution two (2) new 2022 Chevrolet Colorado pickup trucks in the amount of \$26,423 each, for a total cost of \$52,846 from Sport Chevrolet Company, Inc., Silver Spring, and to utilize another jurisdiction’s contract awarded by the State of Maryland (Contract number 001B600427). Mr. Curry added that the funds are budgeted in the Capital Improvement budget account 37-40010-VEH.

Commissioner Baker, seconded by Commissioner Wagner, moved to authorize by Resolution the purchase of two (2) Chevrolet Colorado pickup trucks from Sport Chevrolet Company, Inc. in the amount of \$52,846, as presented. The motion passed unanimously.

(Resolution No. RS-2022-24 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners’ Office.)

**SOLE SOURCE PROCUREMENT (PUR1561) FAMILY CENTERED SUPPORT SERVICES IN WASHINGTON COUNTY, MARYLAND**

Mr. Curry and Rachel Souders, Senior Grant Manager, Office of Grant Management, recommended award of a sole source procurement to the Washington County Department of Social Services, for the operating expenses of the Family Center operated by the Washington County Department of Social Services, contingent upon contract approval and the subsequent funding award from the

Maryland Governor's Office of Crime Prevention, Youth, and Victim Services, in the amount of \$88,800, as per Section 1-106.2(a)(1) and (2) of the Code of Public Local Laws of Washington County, Maryland; no county funds have been requested.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the award of PUR1561 to Washington County Department of Social Services in the total amount of \$88,800, as presented. The motion passed unanimously.

**SOLE SOURCE PROCUREMENT (PUR1562) PROVISION OF HEALTHY FAMILIES HOME VISITING SERVICES IN WASHINGTON COUNTY, MARYLAND**

Mr. Curry and Ms. Souders recommended award of a sole source procurement to the Washington County Health Department, for the operating expenses of the Health Families Home Visiting Program operated by the Washington County Health Department in the amount of \$271,386, as per Section 1-106.2(a)(1) and (2) of the Code of Public Local Laws of Washington County, Maryland; no county funds have been requested.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the award of PUR1562 to the Washington County Health Department in the total amount of \$271,386, as presented. The motion passed unanimously.

**EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP) – ADDITIONAL FUNDING REQUEST**

Ms. Souders recommended approval of the acceptance of additional ERAP funding from the Department of Housing and Community Development in the amount of \$21,238,588.

Commissioner Burkett, seconded by Commissioner Keefer, moved to approve accept the funding as awarded. The motion passed unanimously.

**POLICE ACCOUNTABILITY, COMMUNITY, AND TRANSPARENCY GRRANT PROGRAM – APPROVAL TO SUBMIT APPLICATION AND ACCEPT FUNDING SEX OFFENDER COMPLIANCE AND ENFORCEMENT MARYLAND GRANT**

Cody Miller, Quartermaster/Grants Manager, Washington County Sheriff's Office, and Ms. Souders recommended approval to submit the grant application for the FY23 Police Accountability, Community, and Transparency Grant Program to the Governor's Office of Crime Control and Prevention in the amount of \$67,500 and to accept funding as awarded.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the submission of the grant application to the Governor's Office of Crime Control and Prevention in the amount of \$67,500 and to accept funding as awarded. The motion passed unanimously.

**HOUSING AUTHORITY OF WASHINGTON COUNTY, MD – COOPERATION AGREEMENT**

Kirk Downey, County Attorney, recommended approval to dissolve the Cooperation Agreement dated March 17, 1981, between the Housing Authority of Washington County, Maryland and the Board of County Commissioners of Washington County.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the dissolution of the Cooperation Agreement, as presented.

**AGRICULTURE – NATIONAL DAIRY MONTH**

Susan Grimes, Director, Business Development, shared the agricultural-focused video marketing campaign showcasing one local Washington County farm; which will be shared on the County website.

**CLOSED SESSION**

Commissioner Wagner, seconded by Commissioner Baker, moved to convene in closed session at 11:50 a.m. 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, in accordance with Section 3-305(b) (1) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the compensation and filling of certain personnel and Board/Commission vacancies with specific candidates.

Present during closed session were Commissioners Jeffrey A. Cline; Terry L. Baker; Wayne K. Keefer; Randall E. Wagner; and Charles A. Burkett; also, present were John M. Martirano, County Administrator; Kirk C. Downey, County Attorney, and Krista L. Hart, County Clerk.

### **RECONVENE IN OPEN SESSION**

Commissioner Wagner, seconded by Commissioner Baker, moved to reconvene in open session at 12:21 p.m. The motion passed unanimously.

### **STAFF COMMENTS (CONTINUED)**

#### **Human Resources – Deb Condo, Interim Director**

Ms. Condo presented the recommendation to hire Lane Heimer for the position of Weed Management Specialist (Grade 14, Step 1); this is a new position.

Commissioner Baker, seconded by Commissioner Keefer, moved to approve the recommendation, as presented. The motion passed unanimously.

Ms. Condo presented the recommendation to promote Airin Martin to the position of Treatment Plant Superintendent (Grade 13, Step 1); this position is vacant due to the retirement of Terry Wray.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the recommendation, as presented. The motion passed unanimously.

#### **Police Accountability Board Appointments**

Krista Hart, Clerk, presented the recommendation to appoint the following members to the Police Accountability Board: Brett McKoy to serve a two (2) year term from July 1, 2022 through June 30, 2024; Steve McCarty to serve a three (3) year term from July 1, 2022 through June 30, 2025, and to designate Mr. McCarty to serve as Chair of the Board; Rob Bowman to serve a two (2) year term from July 1, 2022 through June 30, 2024; and, Tim Hafer to serve a two (2) year term from July 1, 2022 through June 30, 2024.

Commissioner Burkett, seconded by Commissioner Keefer, moved to approve the recommendations, as presented. The motion passed unanimously.

### **ADJOURNMENT**

Commissioner Wagner, seconded by Commissioner Burkett, moved to adjourn the meeting 12:25 p.m. The motion passed unanimously.



Krista L. Hart, County Clerk