



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

March 2021

Case #: RZ-21-008

**Application for Map Amendment
Staff Report and Analysis**

Property Owner(s) :	Brandon Green
Applicant(s) :	Same as property owner
Location :	19223 Manor Church Road
Election District :	#19 - Keedysville
Comprehensive Plan Designation :	Environmental Conservation
Zoning Map :	68
Parcel(s) :	P. 174
Acreage :	65.37 acres
Existing Zoning :	Environmental Conservation
Requested Zoning:	Environmental Conservation with Rural Business (RB) overlay
Date of Meeting :	March 21, 2022

Application has been made by Mr. Brandon Green requesting a zoning map amendment to apply a Rural Business floating zone district to land located at 19223 Manor Church Road near Boonsboro. The parcel contains 65.37 acres of land and is currently improved with an historic single-family home that has been renovated to operate as a Bed and Breakfast, a tenant house, and several small outbuildings associated with the original farm. The parcel is located in the Rural Area of the County as designated by the Comprehensive Plan and is currently zoned Environmental Conservation.

The applicant is requesting to establish an agritourism resort including a spa facility, a 60-seat restaurant, a renovated bed and breakfast including three (3) guest suites, an estate house with two (2) guest suites, seven (7) new cottages, a guest check-in office, two larger guest houses containing four (4) guest suites each, and various recreational activities. This would create a total of twenty (20) overnight guest accommodations on the property.

The Rural Business zoning district has been established as a “floating zone” within the County Zoning Ordinance. This designation provides more flexibility than that of traditional Euclidean zoning. As such, applicants seeking to apply the Rural Business Floating Zone are not required to comply with the change or mistake rule.

For a property to be eligible to receive the RB floating zone designation, there are four basic criteria that first need to be met:

1. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan;
2. The proposed RB District has safe and usable road access on a road that meets the standards under the "Policy for Determining Adequacy of Existing Roads". In addition, a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic;
3. Onsite issues relating to sewage disposal, water supply, stormwater management, floodplains, etc. can be adequately addressed; and
4. The location of an RB District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the proposed district.

Evaluation of the application's consistency with these criteria is included in the Staff Analysis.

Staff Analysis:

Although the change or mistake rule is not applicable, the Planning Commission and the Board of County Commissioners are required in their deliberations to establish express findings that at a minimum consider the purpose of the proposed Rural Business zoning classification, the applicable policies of the Comprehensive Plan and the Zoning Ordinance, and the compatibility of the proposed RB district with neighboring properties.

In accordance with Section 5E.6 of the Washington County Zoning Ordinance the procedure for creation of a new RB zoning district includes the Planning Commission making a recommendation to the Board of County Commissioners on six points of interest. These points are outlined and analyzed below.

1. The proposed district will accomplish the purpose of the RB District.

The purpose of the Rural Business floating zone is *"...to permit the continuation and development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreational and tourism opportunities, and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County. ..."*

According to the applicant's justification statement, the purpose of requesting an RB floating zone on this property is to, *"create a boutique agritourism destination resort that will provide much needed recreation and agritourism opportunities in the rural areas of the County while supporting the agricultural and farming community while also serving the needs of the rural residential residents by providing expanded employment opportunities, and improved water quality conditions through new stormwater management and septic management systems."*

Based on the submitted concept plan for the site there appears to be a wide variety of indoor and outdoor recreational opportunities for the proposed use. The applicant's stated intent of integrating agricultural uses on the site to support and enhance the visitor and community experience seems to fit the purpose statement for the RB District.

2. The proposed site development meets criteria identified in Section 5E.4 of this Article [Article 5E – Rural Business District].
 - a. The proposed RB District is outside of any designated growth area.

The subject parcel is in fact located outside of any designated growth area boundary as illustrated in the adopted Plan for the County.

- b. The proposed RB District has safe and usable road access...

The property has an existing access onto Manor Church Road which is owned and maintained by the County. In 2007, the Board of Zoning Appeals (BZA) approved a variance from road adequacy standards for the existing bed and breakfast and 150-person event center on the property. The applicant outlines in the justification statement a detailed evaluation of road access for both the previous use approvals and the additional uses requested as part of this rezoning.

In summary, the applicant contends that an appeal granted by the Board of Zoning Appeals in 2007 to absolve the property owners from extensive road upgrades should continue to be upheld. Based on information supplied by a licensed traffic engineer, an evaluation was performed to evaluate traffic impacts from the sixteen (16) additional overnight guest suites proposed by this application. Results of that analysis indicate that there will not be a significant increase in daily trips to warrant a new traffic study. No evaluation of the new spa and restaurant use were included in the traffic engineer's report.

In addition to traffic count data, the applicant has provided traffic safety information in the form of motor vehicle incident reports on Manor Church Road over the last 5 years. The information was collected from the Washington County Sheriff's Office. According to this data, five (5) accident reports have been issued within the last five (5) years along Manor Church Road between Sharpsburg Pike and Wheeler Road. Two (2) of the accidents were related to wildlife in the road and one (1) accident was related to "horseplay, in an attempt to throw gravel". There were no personal injury accidents or accidents associated with impaired drivers.

The applicant states that they envision Stoney Creek Farm as a self-contained destination resort and as such, "... it is anticipated that the overwhelming majority of guests will remain on the property for the duration of their stay, thus mitigating the potential for excessive traffic on Manor Church Road". Staff understands that this is the business model in which the property owner "envisions" the operation of the facility; however, their business model of only serving those who are staying on-site is unenforceable under County regulations. Approving

a spa facility and a restaurant in conjunction with the added guest accommodations must be viewed as “open to the public” and therefore contributing to the comprehensive traffic patterns.

While the issues of traffic impacts created by the increased number of guest suites has been viewed independently, it has not been viewed comprehensively with other uses proposed on the site. The applicant does state that the elimination of the existing 150-person event center on the site will significantly reduce the amount of traffic generated by the site. However, there has been no evaluation of the new spa and restaurant uses on the site. Therefore, it is difficult to determine whether or not traffic impacts will be comparable to the conditions adjudicated by the BZA in the 2007 application. With the changing of uses proposed on the property Staff would recommend that additional review should be completed with regard to traffic impacts.

The application was reviewed by the Department of Plan Review and they commented, “The Washington County Adequate Public Facilities Ordinance (APFO) and A Policy for Determining Adequacy of Existing Highways (referred to as the Highway Adequacy Policy) establish minimum adequacy standards for development on existing public roadways. As mentioned in the application materials, it was previously established that Manor Church Road is inadequate per these regulations for commercial development due to issues including, but not limited to, insufficient road width and vertical curvatures or crests which limit stopping sight distance. Should this rezoning request be granted by the Board, compliance with the regulations will need to be demonstrated before approval could be given for any site plan.”

c. On-site issues relating to sewage disposal, water supply, stormwater management, etc. can be adequately addressed.

According to the preliminary site plan submitted with the application there is a platted septic reserve area on the property as well as an existing well. According to the applicant's justification statement they intend to install a new septic reserve area on the property using the best available technologies and locate it further away from existing waterways to help improve water quality on the site. A letter submitted by a licensed septic contractor also confirms the availability to accommodate a private on-site septic system capable of handling flows of up to 4900 gallons of effluent per day.

There is an existing spring and permitted well on the site being used for potable water supply. In a letter submitted by a professional engineer, the existing well and surrounding geology were analyzed to determine impacts on the site and the local groundwater supply. Based on their evaluation, it was determined that contingent upon the uses stated, the well has enough existing capacity to provide potable water to the proposed uses on the site and that the additional improvements to the site would have a “negligible effect on the area groundwater”.

Stormwater management is expected to be addressed on the site along with stream restoration to help improve water quality and quantity issues on the site.

This application was sent to the Washington County Health Department for review and no comments have been received.

- d. The location of the RB District would not be incompatible with existing uses, cultural or historic resources or agricultural preservation efforts.

Existing on the subject parcel is historic inventory site WA-II-189, the Schlosser-Crane Farm. According to the historic survey completed by the Maryland Historic Trust in 1975, "This farm complex includes a two story, four bay brick dwelling, a stone spring house with a massive exterior stone chimney and two large bank barns. Together these structures form an important group representing Washington County's vernacular architecture." It is believed that one of the barns has been demolished.

In addition to the historic site on the subject property there are several other historic resources documented within one-half mile of the proposed rezoning area as outlined below. There appears to be no negative impact on the physical or contextual appearance of these historic resources.

WA-II-188 – Schlosser-Crane Farm – built in 1785 with an addition in 1850, fieldstone farmhouse that provides an example of the County's 18th century vernacular architecture. One of the oldest structures in the Manor Church area. Located approximately 1000 ft from the subject property.

WA-II-118 – Ruins of limestone house and culvert – early 1800s former house that provides an example of a 19th century dwelling in the area. Located approximately 300 ft from the subject property.

WA-II-246 – Ringers Cemetery – Most graves are marked with limestone tombstones engraved with names and mid-19th century dates of the Ringer family (oldest dated 1790). Located approximately 500 ft from the subject property.

WA-II-190 – Thomas-Rollins House - Built in 1883, and having received few alterations, the structure is an excellent dated example of the brick vernacular architecture of Washington County dating from the last quarter of the 19th century. Located approximately 1000 ft from the subject property.

WA-II-272 – Monroe Church of Christ - Built in 1872 as the Monroe Chapel of the United Brethren in Christ, it is a three bay, one story brick building resting on fieldstone foundations. Located approximately 800 ft. from the subject property.

WA-II-286 – mid-19th century farm complex – 2 story brick dwelling, bank barn, 2nd brick home and several outbuildings. Located approximately 1600 ft from the subject property.

The property is located within the County established Rural Legacy Area and is adjacent to the Williamson Rural Legacy easement at the southernmost tip of the parcel. It is also immediately adjacent to an Agricultural Preservation district along its western boundary. The property is also located within the County designated Priority Preservation Area therefore additional land preservation easements may occur in this area.

Land preservation is a voluntary opportunity for property owners interested in preserving the agricultural, historic, and cultural aspects of their property. The size and cultural aspects of the existing property could qualify it for preservation potential. If the property is rezoned and used for commercial use, it would likely no longer qualify for these voluntary programs. While in close proximity to several permanent easements in the vicinity, this plan appears to generally cluster the more intense/commercial uses of the property away from those easements creating a natural buffer that helps protect County easement investments.

3. The road providing access to the site is appropriate for...the proposed RB land use.

This issue has already been discussed in other portions of this report.

4. Adequate sight distance along roads can be provided at proposed point of access to the site.

The applicant has not provided this information as part of their application. However, the point of access for this parcel is existing and is assumed to meet adequate sight distance standards for the proposed use. This may be reevaluated as part of the final site plan process due to the commercial nature of the proposed use.

5. The proposed landscaped areas can provide adequate buffering of the proposed RB land use from the existing land uses in the vicinity.

The existing farmhouse that includes the bed and breakfast is located approximately 400 ft from the front property line along Manor Church Road. The proposed renovations do not appear to have any significant change in the footprint of the existing building that would warrant additional buffering or landscaping.

The proposed new spa, restaurant and associated parking is located well away from any existing residential uses in the area and is buffered to the west by a large stand of mature forest. The proposed new cottages appear to be located at least 200 ft from any existing residential use. Based on the proposed location of the new cottages in areas away from existing residential uses and near pockets of trees and forest, there doesn't appear to be a great need for additional buffering. The location of the proposed "Meadow House" appears to be the closest guest dwelling to existing residential development in the area. Landscaping is recommended to help provide additional privacy in this area near the eastern boarder of the property.

6. The proposed land use is not of a scale, intensity or character that would be incompatible with adjacent land uses or structures.

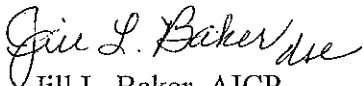
In their justification statement, the applicant contends that the amended use of this property to eliminate the event center use and provide a more "self-contained" resort would be "less than one-half (1/2) the intensity of the existing use and more compatible use with the adjacent land uses and structures than exists today. They contend that in addition to being self-contained, the property is well screened from other adjacent uses by topography, existing forested areas, and proposed landscaping.

Typically, the perception of a resort in a rural area seems incompatible to the ideals of “rural” living and heritage. However, in this specific case, the property owner is putting forth a unique and unorthodox vision of a tourism destination. The proposal feels like that of a destination resort that became popular in the 1950s and 60s as “getaways” from urban living. The inclusion of a spa and ‘farm to table restaurant’ along with a large variety of recreational uses on site adds to the support of this being a tourism destination. This unique proposal of spreading different types of guest arrangements over a large property as opposed to building a multi-story modern complex seems a better fit in the rural character of the area. It is important to be cautious of the number of units being proposed on rural properties so as to maintain a low residential density. The number of units is also important to consider when evaluating the neighboring properties and the impacts of short term stay units in a community.

Recommendation:

Based on the information provided by the applicant in the initial application and analysis by Staff, we believe that most of the evidence that has been provided shows a case that would support the application of a Rural Business floating zone to the subject area. However, Staff is concerned that there is still a lack of evidence provided by the applicant to determine that the traffic impacts of the new commercial uses of the spa and restaurant would comparably offset the impacts of eliminating the 150-person event center. It would be the recommendation of Staff to carefully review this information and implement sufficient conditions, as deemed appropriate, to the zoning approval that would ensure safe usage of the road.

Respectfully submitted,



Jill L. Baker, AICP

Director