

## REQUIRED MOTION

### MAYOR & CITY COUNCIL HAGERSTOWN, MARYLAND

**DATE:** September 27, 2022

**TOPIC:** Taylor Bowen Request for Extension of Approval of Water and Wastewater under the City's Water & Wastewater Policy

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	_____
Other	<u>  X  </u>

**MOTION:** I hereby move for the Mayor and City Council to approve the request from Taylor Bowen to extend the approval from April 27, 2021 for water services for a portion of the Airport Business Park located in the area of Citi Corp Drive and Breeze Hill Drive located beyond the Hagerstown Medium-Range Growth Area for a proposed industrial warehouse. Approved water service shall be in accordance with all applicable Utilities Department Policies and City Code as may be amended from time to time. This extension will expire December 27, 2023. The property is approximately 16 acres and is identified on the attached map, and any additional or alternative construction on the parcel will require separate approval. Submittal of a pre-annexation agreement to the City of Hagerstown is required prior to approval by the Utilities Department of the request for water service on the site plan, per the requirements of the City's Annexation Policy and Water and Wastewater Policy. An exception granted pursuant to the City's Water and Wastewater Policy is void if the following has not occurred within 14 months of the approval by the Mayor and City Council; 1.) site plan approval by Washington County; 2.) building permit filed with Washington County; and 3.) all City water fees paid. Any request for a variance or extension of the 14 month time limit must be submitted for consideration by the Mayor and City Council at least 60 days prior to the expiration date and is subject to approval by Mayor and City Council.

DATE OF INTRODUCTION: 9/27/2022  
DATE OF PASSAGE: 9/27/2022  
EFFECTIVE DATE: 9/27/2022



## CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development

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TO: Scott Nicewarner, City Administrator

FROM: Doug Reaser, Business Development Specialist  
Nancy Hausrath, Utilities Director

DATE: September 13, 2022

RE: Request for an Extension to City Water and Wastewater Approval: Taylor Bowen

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At the September 20, 2022 Mayor and City Council Work Session, staff will review the request for an extension to an approval for an exception to the City's Water and Wastewater Policy as a vital economic development project or an economic development project located in the targeted economic development area at the airport, as delineated in the County's 2002 Comprehensive Plan (Exception #6).

The approval was granted on April 27, 2021 and is set to expire on October 27, 2022. Since the approval, the developer has acquired the property and requesting a 14-month extension to engage a developer/end user and design the site for final approval. The requested extension would expire December 27, 2023.

Information about the project is as follows:

Developer: Taylor Bowen

Business Type: Speculative Industrial Warehouse

Location: Airport Business Park  
14735 Citicorp Drive  
Hagerstown, MD 21742  
Approximate 16 acres

Investment: \$8mil - \$10mil including land and improvements

Job Creation: Estimated at 25-40

Estimated Water Use: Speculative nature of the building makes this difficult to estimate but anticipate a usage of 400 gallons per day based on similar warehouses

As the Community and Economic Development and the Utilities Departments, we recognize that Water Services are available to the parcels and support the consideration of the Mayor and City Council for exception being requested for this economic development project.

**Attachments**

Request for Extension Letter  
April 27, 2021 Motion Packet  
Draft Motion for Extension

c: Kathy Maher, Planning and Code Administration Director  
Jill Thompson, Community & Economic Development Director  
Susan Small, Washington County Director of Department of Business Development



# BERKSHIRE HATHAWAY | Bowen HomeServices Realty

August 5, 2022

City of Hagerstown  
Department of Community and Economic Development  
14 N Potomac St, Suite 200A  
Hagerstown, MD 21740

Attn: Jill Thompson, director of Economic Development  
Re: Request for Extension of Water/Wastewater Services – Breeze Hill Land – Water/Sewer

The letter is being submitted to request an extension for the allocation of the City of Hagerstown's public water and sewer for the proposed development of this land. I am one of the principal owners for the below referenced parcel of land. When we obtained the approval before, we were contract purchasers. We settled on the property in July 2021 and have been exploring various options for the property, which was purchased as a speculative investment for development. It is our desire to have the Mayor and Council review this request to extend the already existing water and wastewater allocation for an addition fourteen (14) months during an executive or work session. The following information is being provided to as additional details to support our request to extend.

- **Location of Water Service:** Airport Business Park  
14735 Citicorp Drive  
Hagerstown, MD 21742
- **Property Description:** 16.055 acres of unimproved land – being all of the “Remaining Lands of Liber 789 Folio 229” and “Lot 3” as shown on that certain boundary line survey by Frederick Seibert & Assoc. Inc. dated April 18, 2019 and identified by Job No. 4027.1). Attached here is a map showing the site location for which user is intending to develop or sell for development the entire site.
- **Development:** Proposed use is industrial within existing HI zoning. We are currently in preliminary discussions with prospective end users and depending on how such discussions evolve, we may build to suit to accommodate a specific use or we may subdivide and sell portions of the land or the entire parcel to specific end users for development. Property is current on the active market and



# BERKSHIRE HATHAWAY | Bowen HomeServices Realty

with demand for land and a lack of supply along the I-81 corridor, we expect our requested extension timeline of fourteen (14) months to be sufficient to obtain necessary approvals.

- **Allocation/Usage Amount:** Because the development of this parcel is speculative, this request is to just extend our current allocation for an additional fourteen (14) months, to allow time to engage a developer or end user and design the site for final approval. Our allocation was based on our maximum footprint permissible within the Highway Interchange existing zoning per the attached concept, which shows a 150,000 square foot industrial, high bay facility with multiple docks.

We sincerely appreciate your time and consideration to extend our permitted allocation of water and wastewater services at this site.

Sincerely,

Taylor Bowen  
Principal  
Breeze Hill LLC

**REQUIRED MOTION**  
**MAYOR & CITY COUNCIL**  
**HAGERSTOWN, MARYLAND**

**DATE:**       **April 27, 2021**

**TOPIC:**       Taylor Bowen Request for Water and Wastewater under the City's Water & Wastewater Policy

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	_____
Other	<u>  X  </u>

**MOTION:**    I hereby move for the Mayor and City Council to approve the request from Taylor Bowen for water services for a portion of the Airport Business Park located in the area of Citi Corp Drive and Breeze Hill Drive located beyond the Hagerstown Medium-Range Growth Area for a proposed industrial warehouse. The property is approximately 16 acres and is identified on the attached map. The approval requires a pre-annexation agreement with the City of Hagerstown. An exception granted pursuant to the City's Water and Wastewater Policy is void if the following has not occurred within 18 months of the approval by the Mayor and City Council; 1.) site plan approval by Washington County; 2.) building permit filed with Washington County; and 3.) all City water fees paid. Any request for a variance or extension of the 18 month time limit must be submitted for consideration by the Mayor and City Council at least 60 days prior to the expiration date and is subject to approval by Mayor and City Council.

DATE OF INTRODUCTION: 4/27/2021  
DATE OF PASSAGE: 4/27/2021  
EFFECTIVE DATE: 4/27/2021



## CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development

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TO: Scott Nicewarner, City Administrator

FROM: Doug Reaser, Business Development Specialist  
Nancy Hausrath, Utilities Director

DATE: April 14, 2021

RE: Request for Exception to City Water and Wastewater Policy: Taylor Bowen

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At the April 20, 2021 Mayor and City Council Work Session, staff will review the request for an exception to the City's Water and Wastewater Policy as a vital economic development project or an economic development project located in the targeted economic development area at the airport, as delineated in the County's 2002 Comprehensive Plan (Exception #6).

Information about the project is as follows:

Developer: Taylor Bowen

Business Type: Speculative Industrial Warehouse

Location: Airport Business Park  
14735 Citicorp Drive  
Hagerstown, MD 21742  
Approximate 16 acres

Investment: \$8mil - \$10mil including land and improvements

Job Creation: Estimated at 25-40

Estimated Water Use: Speculative nature of the building makes this difficult to estimate but anticipate a usage of 400 gallons per day based on similar warehouses

Expected Construction Schedule

Start Date: June 2021

Completion Date: June 2022

As the Community and Economic Development and the Utilities Departments, we recognize that Water Services are available to the parcels and support the consideration of the Mayor and City Council for exception being requested for this economic development project.

Approval using this exception is contingent upon the recommendation of the Board of County Commissioners (see attached approval) and the County Economic Development Director, as well as the City Economic Development Director and the City Utilities Director; and upon the approval of the Mayor and City Council. Mayor and City Council approval will be contingent upon receiving a copy of a recorded Pre-Annexation Agreement.

This memo provides the recommendation of the City Economic Development Director and the City Utilities Director.

**Attachments**

City of Hagerstown Water and Wastewater Policy  
Request from Company  
Location Map  
Concept Drawing  
Board of County Commissioners Recommendation Letter

c: Kathy Maher, Planning and Code Administration Director  
Jill Thompson, Community & Economic Development Director  
Megan Flick, Planner  
Susan Small, Washington County Director of Department of Business Development



# BERKSHIRE HATHAWAY | Bowen HomeServices Realty

March 1, 2021

City of Hagerstown  
Department of Community and Economic Development  
14 N Potomac St, Suite 200A  
Hagerstown, MD 21740

Attn: Jill Thompson, director of Economic Development  
Re: Letter of Intent – Breeze Hill Land – Water/Sewer

The letter of intent is being submitted to request the use of the City of Hagerstown public water and sewer for the proposed development of this land. I am the buyer representative and contract purchaser for the below referenced parcel of land. It is being purchased with the intentions of a speculative investment for development. It is our desire to have the Mayor and Council review this request during an executive or work session. The following information is being provided to present our case for economic exception #6 within the City of Hagerstown Water and Wastewater Policy.

- **Location of Water Service:** Airport Business Park  
14735 Citicorp Drive  
Hagerstown, MD 21742
- **Property Description:** 16.055 acres of unimproved land – being all of the “Remaining Lands of Liber 789 Folio 229” and “Lot 3” as shown on that certain boundary line survey by Frederick Seibert & Assoc. Inc. dated April 18, 2019 and identified by Job No. 4027.1). Attached here is a map showing the site location for which user is intending to develop or sell for development the entire site.
- **Development:** Proposed use is industrial within existing HI zoning  
We are currently in preliminary discussions with prospective end users and depending on how such discussions evolve, we may build to suit to accommodate a specific use or we may subdivide and sell portions of the land or the entire parcel to specific end users for development. Lacking a concrete direction at this time, the provided concept represents an estimated max footprint for a single building and is the basis for this request.



# BERKSHIRE HATHAWAY | Bowen HomeServices Realty

- **Estimated Capital Investment:** Based on the attached concept, capital investment is estimated to be in the \$8,000,000 - \$10,000,000 range. This is based on an estimated cost per square foot of \$10 for site work, \$25 - \$35 per square foot for construction and soft costs. This number also includes land acquisition costs.
- **Employment Projection:** This will vary based on specific end users, but the projection is 25 - 40 jobs based on the current concept.
- **Timeline:** Property is currently under contract and in a feasibility study period. The last step in its completion is approval of the use of public water utilities to the site. Upon approval from the Mayor and Council, it is our intention to proceed to settlement and actively engage in the development of this site.
- **Allocation/Usage Amount:** Because the development of this parcel is speculative, this request is to receive an allocation based on our maximum footprint permissible within the Highway Interchange existing zoning per the attached concept, which shows a 150,000 square foot industrial, high bay facility with multiple docks.

Sincerely,

**Taylor Bowen**  
Contract Purchaser



300ft

-77.73039, 715 Degrees

son Blvd

Technology Pkwy

Phoenix Dr

Citicorp Dr

Citicorp Dr

Grass Hill Dr

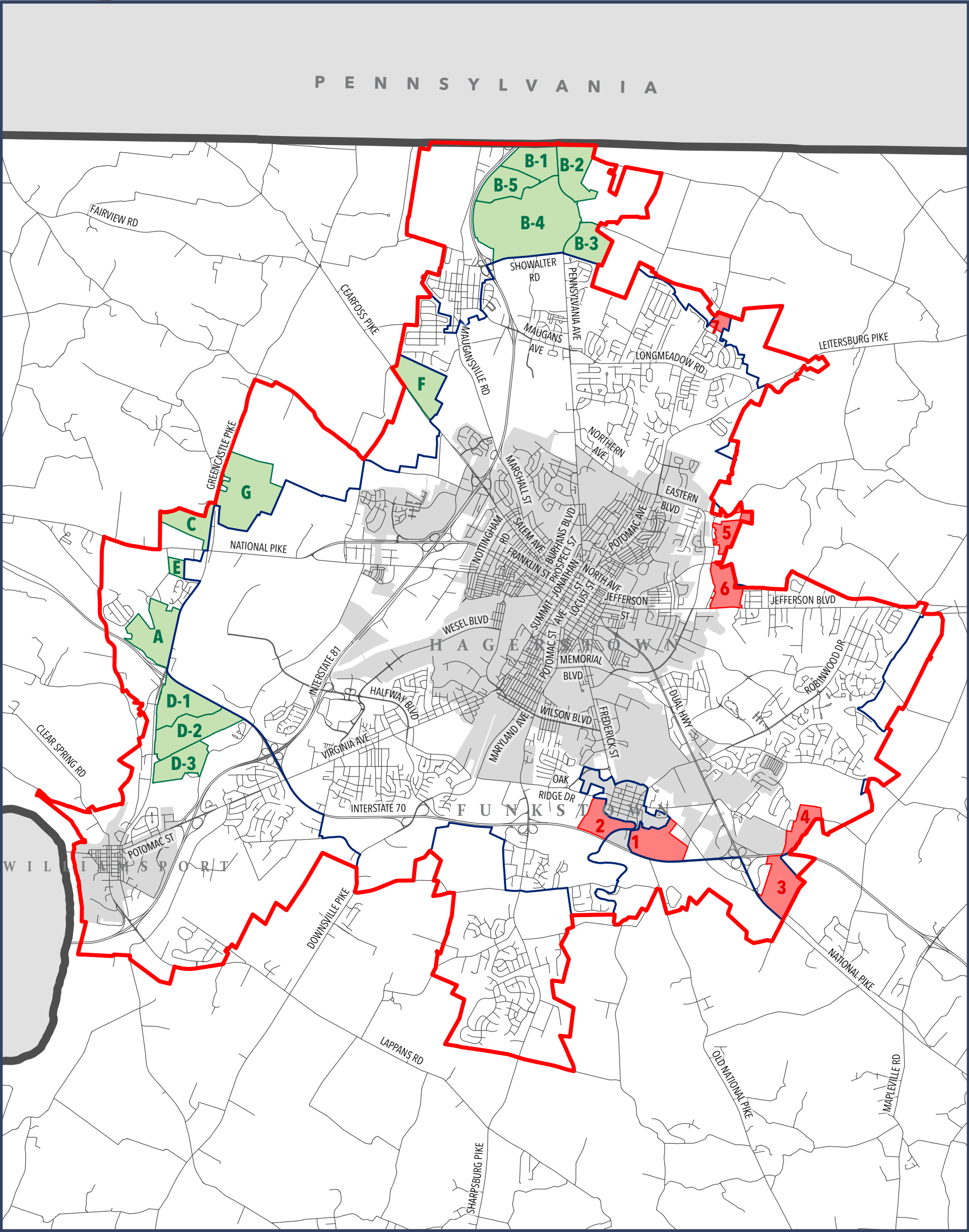
Pennsylvania Ave

163

Mason Dixon Rd 163

81





Reference Name	Area to be Added/Removed	Acreage	Reference Name	Area to be Added/Removed	Acreage
A	Addition	182.65	E	Addition	23.18
B-1	Addition	128.61	F	Addition	147.8
B-2	Addition	147.35	G	Addition	303.29
B-3	Addition	115.23	1	Remove	143.76
B-4	Addition	543.15	2	Remove	92.73
B-5	Addition	118.09	3	Remove	137.9
C	Addition	102.34	4	Remove	72.37
D-1	Addition	154.56	5	Remove	66.42
D-2	Addition	184.38	6	Remove	98.69
D-3	Addition	121.54	7	Remove	24.46



Area to be Added/Removed	Area Count	Sum of Acreage
Addition	13	2272.17
Remove	7	636.32



# **City of Hagerstown**

## **Water and Wastewater Policy**

**Adopted: February 24, 2004**

**Amended: July 29, 2008, September 22, 2009, October 11, 2016, May 23, 2017,  
November 27, 2018, June 18, 2019, August 25, 2020**

### **Service Requests Outside the Corporate Boundaries of Hagerstown**

Per the City of Hagerstown's Comprehensive Plan, Policy 4-1, the City of Hagerstown will only provide new or expanded water and wastewater service outside of Hagerstown's corporate boundaries to properties that annex into the city or that enter into pre-annexation agreements with the City, except as specifically exempted in the Annexation Policy. New or expanded service includes new construction, redevelopment of the site, new connections for existing buildings, uses in existing buildings that require expanded allocation or service, and re-subdivision of existing development.

### **Service Requests Outside Hagerstown's Medium Range Growth Area**

Per the City of Hagerstown's Comprehensive Plan, Policy 4-4, the City of Hagerstown will not extend or expand water or wastewater services beyond the Hagerstown Medium-Range Growth Area as defined in the City's Annexation Policy, and shall not allow new connections to the existing lines located outside the Hagerstown Medium-Range Growth Area, unless one of the following ten exceptions is to be granted by the City:

1. **Condemnation or Impending Failure of an Existing Private Water or Septic System.** The governing health authority has provided a request with documentation or certification to the Utilities Department that, to obtain a water or wastewater service connection, the existing private water or wastewater system for an existing dwelling or nonresidential building has been condemned, or has impending failure, and a reasonable alternate system is otherwise not available. Service approved by the Utilities Department using this exception is contingent upon acceptance and signing of a service contract by the owner providing for the allocation of costs of extending and maintaining the service to the property and that such service shall be subject to all applicable policies, procedures and practices. Reference: City of Hagerstown 2008 Comprehensive Plan, Policy 4-4.
2. **System Improvement.** Upon the recommendation of the Director of Utilities to, and approval by, the Mayor and Council, a system extension would provide a vital improvement or enhancement to the operation or efficiency of the water and/or wastewater system.
3. **Connection to an Existing Lot of Record for a Single-Family or Two-Family Dwelling.** Service approval by the Utilities Department is contingent upon the following: (a) outside the Long-Range Growth Area, lot was an existing lot of record prior to February 24, 2004; (b) between the Medium-Range Growth Area and Long-Range Growth Area boundaries, lot was an existing lot of record prior to April 22, 2008; (c) lot is contiguous to a right-of-way containing a City water or wastewater line that was in existence at the time the property became a lot of record. Any exception the Utilities Department may determine is warranted will be given with the following limitations and

conditions: (a) the maximum allocation shall not exceed two hundred (200) gallons per day for one dwelling unit, or 400 gpd for a two-family dwelling if allowed by County zoning and if it does not involve a subdivision; and b) service is contingent upon acceptance and signing of a service contract by the owner providing for the allocation of costs of extending and maintaining the service to the property and that such service shall be subject to all applicable policies, procedures and practices.

4. **Redevelopment of a Property Containing an Existing Customer.** Service approval by the Utilities Department using this exception is contingent upon there being no addition of land area to the existing lot(s) of record containing the existing customer(s) and there being no increase in the existing allocation as a result of the redevelopment.
5. **Pre-existing Water or Wastewater Agreement.** Service approval by the Utilities Department using this exception is contingent upon a water or wastewater agreement having been in place prior to July 29, 2008, which guaranteed water or wastewater service to this property as a condition of the construction and/or provision of land for the construction of the water or wastewater line at issue.
6. **Economic Development Project.** Service approval using this exception is contingent upon recommendation of the County Commissioners, the City and County Economic Development Directors, and the City Director of Utilities to, and approval by, the Mayor and Council, for a vital economic development project or an economic development project located in a the targeted economic development area at the airport, as delineated in the County's 2002 Comprehensive Plan.
7. **Pre-Annexation Agreement.** Service approval by the Utilities Department using this exception is contingent upon a pre-annexation agreement having been approved by the Planning and Code Administration Division and recorded in the County Courthouse prior to April 22, 2008.
8. **Affordable Housing Project.** Service approval using this exception is contingent upon recommendation of the County Commissioners, the City Administrator or designee, the County Administrator or designee, and the City Director of Utilities to, and approval by, the Mayor and City Council, for an affordable housing project restricted to households with annual incomes up to 80% of AMI (Area Median Income) and located in close proximity to economic development target areas and adjacent to development served by City water and/or wastewater.
9. **Connection to a Proposed New Lot of Record or Existing Lot of Record for a new SFR or DUP when well testing failed to gain approval of the Health Department due to GWUDI issues.** GWUDI is groundwater under direct influence of surface water and it is present in areas of the Hagerstown Valley due to the karst geological formations. A sensitive area where such conditions have been documented to occur has been designated by the Health Department on the northwest side of Hagerstown – an area bounded by I-81, US40, proximity to the Greencastle Pike, and at the Pennsylvania border. Service approval by the Utilities Department is contingent upon the following: (a) The Health Department has provided a request with documentation to the Planning and Utilities

Departments that the new well for the proposed new lot or existing lot of record does not meet the minimum criteria for drinking water requirements and the well cannot be approved by the Health Department; (b) Health Department's analytical results are consistent with COMAR and this analysis identifies contaminants which are precluded from treatment in new wells per State law; (c) the proposed lot or existing lot is contiguous to a right-of-way containing a City water line; (d) any extension of existing water infrastructure is the responsibility of the landowner requesting service and all required improvements to the water infrastructure shall be in conformance with City Water and Wastewater Standards and Specification. The Utilities Director may approve up to three requests per year for this exception. Requests shall be taken on a first come, first served basis each calendar year. Requests for service under this exception which would create a new lot for development outside the County Urban Growth Area must first receive the approval of the administrative authority of the County Water & Sewer Plan.

10. **Facility for an Essential Public Service.** A facility necessary for the public services provided by a government body whose geographic location is determined by the government as the best placement to serve the needs of local communities or to access the resources necessary to serve the public. Service approval using this exception is contingent upon recommendation of the County Commissioners or other affected government agency, and the City Director of Utilities to, and approval by, the Mayor and Council. Recommendation to the Mayor and Council for approval by the Director of Utilities will be contingent upon ensuring the water system can meet the average day, peak day, and fire flow requirements for each request for service. If water system upgrades are required to meet average day, peak day, and/or fire flow, all cost for upgrades will be the responsibility of the agency requesting service, as approval by City Utilities Department. Because such requests may occur for land outside the County designated Urban Growth Area and outside Priority Funding Areas, the request for service must first receive the approval of the administrative authority of the County Water & Sewer Plan.

The granting of all exceptions to this policy, except for #5 and #7, is contingent upon the property owner submitting a pre-annexation agreement to the City of Hagerstown that offers the property for annexation at such time as the corporate boundaries of the City reach the property and the Mayor and City Council determines annexation to be advantageous to the City of Hagerstown.

An exception granted pursuant to this policy is void if the following has not occurred within 18 months of approval by the Mayor and City Council: 1) site plan approval by Washington County; 2) building permit filed with Washington County; and 3) all City water and wastewater fees paid. Any request for a variance or extension of the 18 month time limit must be submitted for consideration by the Mayor and City Council at least 60 days prior to the expiration date and is subject to approval by the Mayor and City Council.

Jeffrey A. Cline, *President*  
Terry L. Baker, *Vice President*  
Krista L. Hart, *Clerk*



Wayne K. Keefer  
Randall E. Wagner  
Charles A. Burkett

**BOARD OF COUNTY COMMISSIONERS OF  
WASHINGTON COUNTY, MARYLAND**

April 13, 2021

The Honorable Emily Keller  
and Hagerstown City Council  
City of Hagerstown  
City Hall, Second Floor  
One E. Franklin Street  
Hagerstown, Maryland 21740

Subject: Berkshire Hathaway, Breeze Hill Land – Water Service

Dear Mayor Keller and Members of the City Council:

The Board of County Commissioners is requesting that the Mayor and City Council approve a water request for the proposed Berkshire Hathaway – Breeze Hill Land under Exception No. 6, Economic Development Projects, of the City of Hagerstown Water and Waste Water Policy.

*Exception 6, Economic Development Projects. Service approval using the exception is contingent upon recommendation for the County Commissioners, the City and County Economic Development Directors, and the City Director of Utilities to, and approval by, the Mayor and Council, for a vital economic development project or an economic development project located in the targeted economic development area at the airport, as delineated in the County's 2002 Comprehensive Plan.*

Berkshire Hathaway is proposing an industrial use for the 16.055 acres of unimproved land, within an existing HI zoning. They are currently in preliminary discussions with prospective end users, and will either plan to build-to-suit for a specific use, or may subdivide, pending the user request(s). They have provided a concept plan representing the maximum footprint for a single building, which is the basis for this request. There is an estimated \$8,000,000 - \$10,000,000 in capital investment, and job creation will vary based on project, but could range from 25-40 additional positions in Washington County.

The property is currently under contract and in a feasibility study period. The last step in its completion is approval of the use of public water utilities to the site. Upon approval by the Mayor and Council, it would be Berkshire Hathaway's intention to proceed to settlement and actively engage in the development of the site.

Enclosed is a map showing the site location and a survey that was recently created showing the approximately 16-acre site for which Berkshire Hathaway is intending to purchase and develop the entire site.

The Honorable Emily Keller  
and Hagerstown City Council  
April 13, 2021  
Page 2

As far as water usage for the intended development, the business locations currently in operation are served by private water wells and private on-site sewage systems, so the actual consumption is not known. Kathy Maher, Director of Planning and Code Enforcement for the City of Hagerstown, has mentioned that she could generate some generic water usage estimates based on similar operations currently being served. At the time of the issuance of Utility Keystone's Letter of Intent, no request for Kathy Maher to provide such an estimate had been made.

If your staff has any questions about the request, please contact our Director of Business Development, Susan Small, at 240-313-2289 or by email at [ssmall@washco-md.net](mailto:ssmall@washco-md.net). We look forward to a successful project in collaboration with the City of Hagerstown.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

By:   
Jeffrey A. Cline, President

cc: Board of County Commissioners  
John Martirano, Esq., County Administrator  
Susan Small, Director of Business Development  
Jill Thompson, City of Hagerstown Community & Economic Development  
Kathleen Maher, City of Hagerstown