

**RESOLUTION 2024-02**

**RESOLUTION TO APPROVE MIXED USE OVERLAY APPLICATION OF CLOVERLY HILL, LLC – HOMEPLATE PARCEL (TAX MAP/PARCEL 40/350)**

**RECITAL**

On or about August 22, 2023 Cloverly Hill, LLC filed an Application with the Town of Smithsburg in accordance with the *Zoning Ordinance of the Town of Smithsburg* seeking approval of a Mixed-Use Overlay for a parcel of property it owns, Tax Map/Parcel 40/350, commonly referred to and known as HomePlate. The Applicant submitted the Application and Concept Plan which comply with the *Zoning Ordinance*. Following review by Staff and the Planning Commission a joint public hearing before the Planning Commission and the Mayor and Council was held on January 2, 2024, after advertisement and posting, so that the Mayor and Council could consider whether or not to grant Zoning Approval as required by the *Ordinance Procedures (§405-33.2(F))* set forth in therein. Following the Public Hearing held on January 2, 2024, the Planning Commission on January 10, 2024 recommended approval of the MXD Application as submitted with the condition that maximum building density of 4.2 units per acre shown on Sheet 1 of the Concept Plan not be exceeded. The Council, after discussion and consideration at its Special Meeting held on January 16, 2024, voted (4 to 1) to approve the MXD zoning overlay subject to the condition recommended by the Planning Commission.

**RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED** that Cloverly Hill, LLC's request for Zoning Approval in accordance with its Application and Concept Plan submitted is hereby approved subject to the condition that the maximum building density shall not exceed 4.2 units per acre as shown on Sheet 1 of the submitted Concept Plan; and it is further

ORDER 14 F0110 0130  
Acts, Ordinances, Resolutions- Town  
Clerk of the Circuit Clerk  
Washington County


**RESOLVED**, the *RECITAL* is incorporated herein by reference; and it is further  
**RESOLVED**, that this Zoning Approval, granted pursuant to and in accordance with the  
terms of the *MXD Ordinance* provisions, only constitutes tentative approval of density and design  
features with final approval occurring as part of the approval of the Development Plan, and be it  
further

**RESOLVED**, Applicant is authorized and required to submit its Development Plan within  
the next sixty (60) days from the January 16, 2024 unless otherwise extended by the Planning  
Commission for good cause.

**WITNESS AND ATTEST  
AS TO CORPORATE SEAL  
MARYLAND**

  
Jenni House, Clerk/Treasurer

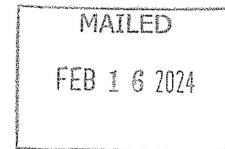
**MAYOR AND COUNCIL OF THE  
TOWN OF SMITHSBURG,**

  
Donald Souders, Mayor

Date of Introduction: 01/16/2024  
Date of Passage: 01/16/2024  
Effective Date: 01/16/2024

Please send Original Documents to:

Jenni House  
Clerk -Treasurer  
**Town of Smithsburg**  
21 W. Water Street  
P. O. Box 237  
Smithsburg, MD 21783



**Liber 14 Folio 0138**  
Acts, Ordinances, Resolutions- Town  
Clerk of the Circuit Clerk  
Washington County

LR - Government  
Instrument 0.00  
Agency Name: Town of  
Smithsburg  
Instrument List:  
Agreement / Easement  
Describe Other:  
Ref:  
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Total: 0.00  
02/15/2024 12:43  
CC21-KB  
#17884059 CC0403 -  
Washington  
County/CC04.03.02 -  
Register 02

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**Clerk of Circuit Court  
Washington County, Maryland**

Kevin R. Tucker, Clerk  
24 Summit Avenue  
Hagerstown, MD 21740  
301-790-7991

**For Clerks Use Only**

Improvement Fee \_\_\_\_\_  
Recording Fee \_\_\_\_\_  
County Transfer Tax \_\_\_\_\_  
Recordation Tax \_\_\_\_\_  
State Transfer Tax \_\_\_\_\_  
Non-Resident Tax \_\_\_\_\_  
**TOTAL** \_\_\_\_\_