



Charles County Board of Appeals Meeting of October 27, 2020

Department of Planning and Growth Management Staff Report

Applicant – Woodville Pines, LLC

Board of Appeals - Docket #1421, SPEX 200004

**Type of Project: Special Exception - Use 4.01.400 –Social,
Fraternal Clubs & Lodges, Union Hall, Meeting Hall &
Similar Uses**

Prepared by Tetchiana Anderson, Planning Division

For questions, contact the Planning Division at 301-645-0540

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I. Applicant & Project Information:

Applicant: Woodville Pines, LLC, c/o George & Mike White – 17012 Prince Frederick Road; Waldorf, MD 20601

Property Owner: Woodville Pines, LLC, c/o George & Mike White

Specific Request: Woodville Pines, LLC (the Applicant) is the owner of the parcel of land located in the 9th Election District of Charles County, Maryland, identified on Charles County Tax Map 37, Grid 21 as Parcel 84, Lot 7 in the Benedict Farms Subdivision on Plat 28, Page 188. The Applicant is petitioning for a Special Exception, pursuant to Articles XXV and XIII, and Use # 4.01.400 of the Charles County Zoning Ordinance to establish a Social, Fraternal Club & Lodge, union hall, meeting hall & similar uses. Specifically, they wish to hold events such as weddings, vow renewals, family reunions and birthdays. Use 4.01.400 is permissible within the Agricultural Conservation (AC) zone upon Special Exception approval from the Board of Appeals. Site Plans and Property Tax Maps are attached to this staff report.

Subject Property: The subject property is located on Prince Frederick Road (Route 231), east of Welch's Acres Place. The property is shown as Lot 7 on the Benedict Farms Subdivision recorded at Plat 28, Page 188 among the Land Records of Charles County, Maryland. The property is an existing forested lot approximately twenty-two (22) acres and is further known as Tax Map 37, Grid 21, Parcel 84, Lot 7 at address 17012 Prince Frederick Road; Waldorf, MD 20601. There are no structures on the property. The property's access is through its existing gravel driveway that is approximately 1,550 linear feet in length and they are the only lot that uses this driveway.

Neighboring and Surrounding uses:

Zoning: Agricultural Conservation (AC)

Background / History of the Property: The applicant is proposing to use five (5) acres of the twenty-two (22) acre parcel for the proposed special exception. The Property is entirely wooded with no structures. The Property is bordered by single-family residential homes on 3 to 5-acre lots to the south and east, and a 36-acre parcel of land known as Lot 6 Benedict Farms to the north and west. All adjacent property is zoned AC. The Property contains large areas of moderately steep (15 to 25%) and very steep (greater than 25%) slopes. Per correspondence from the Maryland Department of Natural Resources dated April 13, 2020, the Wildlife and Heritage Service has determined that there are no official State or Federal records for listed plant or animal species on the subject site. Likewise, correspondence from the US Fish and Wildlife Service dated March 13, 2020 states there are no threatened or endangered species nor critical habitats on the subject site. A stream valley exists on the easternmost part of the site. Non-tidal wetlands are located along the stream valley and wrap around the southern property line. Wetland buffers and Resource Protection Zone extend outward from these features and encompass approximately one third of the site and will remain undisturbed. The unique topographic features of the Property will provide a natural and undisturbed buffer to the adjacent property owners.

II. Environmental Information:

Watershed: This property is located within the Lower Patuxent River Watershed.

Forest Conservation: Development of this property will be subject to the requirements of the Forest Conservation Ordinance.

Resource Protection Zone: The Resource Protection Zone encompasses a large portion of the southern and eastern boundary of the property. Additionally, there is an encroachment of Resource Protection Zone from the north. The preliminary site plan does not show disturbance to the Resource Protection Zone for this project.

III. Criteria for Approval and Findings:

The request for Special Exception #1421 was evaluated by staff based upon the standards set forth in Article XIII, §297-212, Use #4.01.400, *Social, Fraternal Clubs & Lodges, union hall, meeting hall & similar uses*, and Article XXV, §297-415 of the Charles County Zoning Ordinance (procedures and minimum standards for the consideration and authorization of special exception uses).

The principal issue is whether the proposed use, *Social, Fraternal Clubs & Lodges, union hall, meeting hall & similar uses*, is appropriate to the subject site, the surrounding residential properties, and is consistent with the requirements of the Zoning Ordinance.

IV. Minimum Zoning Requirements: (Findings by staff have been annotated in *italics*):

Per Article XIII, §297-212, the minimum standards for the use, 4.01.400, Social, Fraternal Clubs & Lodges, union hall, meeting hall & similar uses are as follows:

This use is permitted by special exception in the **AC**, RC, RV and CN Zones, subject to the following standards:

A. Any structure shall be located at a distance of not less than 100 feet from any lot line, except that not less than 50 feet at commercial or industrial zone lot lines shall be allowed. The front setback shall be at least 100 feet, except when bordering highways of eighty-foot rights-of-way or more, where the setback shall be 50 feet.

Staff Finding:

The site plan submitted with the application is showing a proposed two-story building for weddings, corporate meetings, and milestone events such family reunions, birthdays, etc. The structure is shown to be located more than 100 feet from all lot lines, and there are no commercial or industrial zoning adjacent to the subject parcel. There is also an existing forested buffer area around the entire lot that will remain and this buffer is adjacent to all of the neighboring residential lots.

B. The provision of food, refreshments and entertainment for club or organization members and their guests may be allowed in connection with such use.

Staff Finding:

The Applicant stated in their application that the proposed venue will provide food, refreshments, and entertainment at events. The Applicant intends to utilize local farm products and foods in their services to the public. The Applicant has also stated that they will abide by all applicable rules and regulations set forth by the County and State regarding food, refreshments, and entertainment.

C. All outdoor lighting shall be located, shielded, landscaped or otherwise buffered so that no direct light shall intrude into any residential area.

Staff Finding:

The application does not show any proposed lighting; however, any future proposed lighting is required to be addressed at the time of Site Development Plan review. The Applicant has noted that as part of its Site Development Plan application, they will provide the required light study which will be prepared and will implement requirements to mitigate any actual or perceived light intrusion on neighboring properties. It is noted that this project is located on a 22-acre parcel that is currently entirely wooded.

Per Article XXV, §297-415, H, the Board of Appeals shall grant a special exception when, from a preponderance of the evidence of record, the proposed use:

Please note that only staff's findings are provided for the criteria below. The Applicant's responses to these criteria are provided within the associated July 2020 Revised SPEX 200004, Woodville Pines, JUSTIFICATION REPORT which is attached for your review and consideration.

(1) Will not be detrimental to or endanger the public health, safety and general welfare.

Staff finds that based upon the Applicant's submitted materials and provided responses, combined with proposed conditions of approval it is staff's position that the proposed use, may not be inherently detrimental to or endanger the public health, safety and general welfare. The use will be subject to compliance with all applicable County, State, and Federal regulations, including, but not limited to, the following local regulations: Charles County Zoning Ordinance, Grading and Sediment Control Ordinance, Road Ordinance, Storm Water Ordinance, Forest Conservation Ordinance, and Floodplain Ordinance.

(2) Is a permissible special exception in the zone.

Staff finds that Use 4.01.400, Social, Fraternal Club & Lodges, Union Hall, Meeting Hall & Similar Uses, as stated in Article XIII Minimum Standards for Special Exceptions and Uses Permitted With Conditions, and §297-63 Table of Permissible Uses, is a permissible use within the Agricultural Conservation (AC) zone via special exception approval from the Charles County Board of Appeals.

- (3) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

Staff finds that based upon the application materials submitted for review, and provided responses, combined with the proposed conditions of approval that the proposed use may not be inherently detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood. The proposed structure will be located on a twenty-two (22) acre lot with all adjacent residential dwellings over 100 feet from the proposed area to be used for the gatherings and a buffer of trees will remain around the perimeter of most of the lot.

- (4) Complies with the standards and requirements set forth in Article XIII.

Staff finds that based upon the application materials submitted for review the proposed use complies with the standards and requirements set forth in Article XIII, which were detailed in this report on Pages 3 and 4, IV. Minimum Zoning Requirements.

- (5) Will cause no objectionable impact from traffic, noise, type of physical activity, fumes, odors, dust or glare.

Staff finds that at this time it appears that the proposed use will not cause objectional impact from traffic. The proposed Project will be subject to Adequate Public Facilities (APF) review at the Site Development Plan (SDP) stage, which will determine if any upgrades to the surrounding road network are necessary. The Applicant has stated to Planning staff that should any problems arise such as: noise, type of physical activity, fumes, odors, dust or glare. they are providing current contact information (email and phone number) for the public on their website and that they will provide an initial mailing (with contact information for questions) to the surrounding property owners prior to the first scheduled event. Staff further notes that the project is subject to the Charles County Noise Ordinance, and a lighting plan must be submitted at the time of Site Development Plan review.

- (6) Will provide adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements. If a use requires an adequate public facilities review by the Planning Commission, such review shall be made a condition of the granting of the special exception by the Board.

Staff finds that for final [Health Department] approval the applicant will have to demonstrate they can provide adequate water and sewer facilities for the proposed use.

Final approval will require a site plan that shows the projected sewage flows for the intended use and septic system design to accommodate the projected flow per COMAR requirements. The Applicant has also stated they will address and provide adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements during the required subsequent development review processes.

- (7) Will provide adequate ingress and egress and be so designed as to minimize traffic congestion in the public streets.

Staff finds that per Zoning Ordinance Section 297-415H(5) and (6): At this time it appears that the proposed use will not cause objectional impact from traffic. The proposed Project will go through a thorough Adequate Public Facilities (APF) review at the Site Development Plan (SDP) stage, which will show if any upgrades to the surrounding road network are necessary.

- (8) Is in accordance with the objectives of the Charles County Comprehensive Plan.

The subject property is located in an area designated as Rural Residential on the County's Land Use Map, with an underlying base zone of Agriculture Conservation. Rural Residential Districts are intended to allow for rural development at one dwelling per 3 acres while preserving the rural character and open space whenever possible. This area is designated as "Tier III" per the requirements of the Sustainable Growth and Agricultural Preservation Act of 2012. This designation means the area is planned and zoned for large lot development on septic tanks as the predominant use. While farming and forestry uses will continue within this area, rural residential housing on large lots will tend to dominate the area.

This proposed use could be developed on the 22 acre parcel that would provide wooded buffers to adjoining residential lots while preserving much of the existing forest on site. The proposed venue could also serve the existing residential community, which is predominantly developed with large residential lots. As such, the proposal appears to be consistent with the Comprehensive Plan.

- (9) Conforms to the applicable regulations of the zone in which it is located and to the special requirements established for the specific use.

Staff finds that based upon the special exception application materials submitted for review the proposed use conforms to the applicable regulations of the Agriculture Conservation (AC) zone in which it is located and to the special requirements established for the specific use (per Article XIII, §297-212, the minimum standards for the use, 4.01.400 Social, Fraternal Clubs & Lodges, union hall, meeting hall & similar uses).

V. Recommendation & Proposed Conditions of Approval:

As documented within the staff report, staff finds that the requested special exception application for use 4.01.400, *Social, Fraternal Clubs & Lodges, union hall, meeting hall & similar uses*, complies with the criteria as outlined and therefore staff recommends approval with the following **Conditions of Approval** for the purposes of adequately and completely addressing requirements of the Zoning Ordinance:

1. The Applicant must submit a Site Development Plan (SDP) application for review and approval by all appropriate County and State agencies in accordance with all applicable regulations.
2. The project requires an Adequate Public Facilities (APF) review. This review will take place during the site development plan (SDP) review. The SDP APF review will assess surrounding roads and intersections affected by pending development applications in the area.
3. The approval and continued effect of this Special Exception is contingent upon compliance with all applicable County, State, and Federal regulations, including, but not limited to, the following local regulations: Charles County Zoning Ordinance, Noise Ordinance, Grading and Sediment Control Ordinance, Road Ordinance, Storm Water Management Ordinance, Forest Conservation Ordinance, and Floodplain Ordinance.
4. The hours of operation will be from 10:00 am to 10:00 pm.
5. The Applicant is required to have staff on site at each event throughout the entire event.
6. The Applicant must demonstrate they can provide adequate water and sewer facilities for the proposed use. Final approval will require a site plan that shows the projected sewage flows for the intended use and septic system design to accommodate the projected flow per COMAR requirements and approval by the Health Department.
7. The Applicant is required to comply with the Charles County Noise Ordinance. The Applicant is required to provide current company contact information (phone number, etc.) for the public to use in immediate cases of noise complaints.

VI. Appendices: Attached.