

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2009 Legislative Session

Legislative Day #___

BILL NO. 2009-01

Introduced by: Ace I, LLC

REZONING OF PARCEL FROM AGRICUTURAL CONSERVATION (AC) TO
PLANNED EMPLOYMENT PARK (PEP)

Date Introduced: 01/14/2009

Public Hearing: 01/14/2009 at 4:00 p.m.

Commissioners Action: 02/10/2009 Approved

Commissioners Votes: WC: Y, EP: Y, RC: Y, SG: Y, GH: Y

Pass/Fail: Pass

Effective Date: 02/20/2009

Remarks:

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2009 Legislative Session

Bill No. 2009-01

Chapter No. 297

Introduced by: Ace I, LLC

Date of Introduction: 01/14/2009

BILL

AN ACT concerning

Rezoning of parcel from Agricultural Conservation (AC) to Planned Employment Park (PEP)

FOR the purpose of

Applying the Planned Employment Park (PEP) to a certain Agricultural Conservation (AC) zoned property.

BY amending

Charles County Zoning Map 36

SECTION 1. NOW, THEREFORE, IN DUE CONSIDERATION OF THE TESTIMONY, FINDINGS OF FACT AND CONCLUSIONS OF LAW DESCRIBED IN ATTACHMENT “A”, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Zoning Map of Charles County, Maryland, specifically Parcels 126 and 392, Map 36, Grid 8, located off of Foster Lane, a service road that runs parallel with the Maryland Route 5 Bypass and intersects with Gallant Green Road in Hugessville, Maryland, encompassing approximately 44.80 acres in area, be amended as follows:

Rezone the parcel from Agricultural Conservation (AC) to Planned Employment Park (PEP) as shown on attached Tax Map 36.

SECTION 2. BE IT FURTHER ENACTED, that the change in zoning specified herein is conditioned upon the execution of the Zoning Indenture in accordance with the provisions of § 145 of the Code of Charles County, Maryland.

SECTION 3. BE IT FURTHER ENACTED, that this Act shall take effect TEN (10) calendar days after it becomes law.

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

Wayne Cooper, President

Edith J. Patterson, Vice President

Reuben B. Collins, II

Samuel N. Graves, Jr.

Gary V. Hodge

ATTEST

Denise Ferguson, Clerk

ATTACHMENT A
PLANNED DEVELOPMENT ZONE AMENDMENT #08-19
HUGHESVILLE STATION BUSINESS CENTER
DECISION AND ORDER

After a public hearing on the proposed Planned Development Zone Amendment #08-19 was held January 14, 2009, having considered the entire record made at such hearing, including all testimony, documents, and exhibits offered therein by way of oral, written, or referenced material and in light of matters of public record of which official notice has been taken, the County Commissioners of Charles County, Maryland, hereby make the following Findings of Fact and Conclusions of Law applicable to the proposed Planned Development Zone Amendment #08-19.

FINDINGS OF FACT

1. The petitioner, Ace I, LLC, requested an amendment to change the zoning of the property described below from the current AC, Agricultural Conservation Zone to PEP, Planned Employment Park Floating Zone pursuant to Article VII of the Charles County Zoning Ordinance. The subject property considered for the application of the PEP zone contains 44.80 acres of land located in the 9th Election District of Charles County, Maryland. The Master Plan of the site, submitted February, 2008, proposes an integrated mix of 181,900 square feet of office, retail, commercial, warehouse, and flex space, which is consistent with general purpose.
2. The Zoning per the 1992 Zoning Ordinance and maps is currently zoned Agricultural Conservation, AC, and Commercial Village, CV, and is approximately 49.80 acres. The area subject to the re-zoning is the AC zoned portion of the site only and is approximately 44.80 acres. Planned Employment and Industrial Parks are floating zones and are permitted in this Comprehensive Plan district.
3. The subject property is located in Hughesville, which is outside of the Development District. The subject property is located adjacent to, but outside of, the Study Area for the 2007 Hughesville Village Revitalization Plan. Hughesville Village is a designated Village in the Comprehensive Plan. The rezoning from AC to PEP expands the amount of commercial land in the general area surrounding the Hughesville Village Study Area in the Plan.

4. It has been shown in the fiscal analysis that the proposed commercial, flex, and retail uses would generate a significant number of jobs for the area, which may have the effect of generating more people to support the niche businesses within the Hughesville Village Core. The plan is consistent with the Economic Development section of the Charles County Comprehensive Plan (CCCP). The fiscal impact assessment reports the proposed development may create approximately 178 jobs.
5. The project includes passive recreational opportunities for residents. This project meets one of the objectives of the Recreation and Open Space chapter of the Comprehensive Plan which is to establish an interconnected County trail system for use by hikers, equestrians, nature students, and bicyclists. Due to the planned extension of Three Notch Trail into the county, the applicant will provide a 5' walkway through the bufferyard terminating at the property to be able to tie into the future trail.
6. The PEP is located in the Patuxent River Watershed. The Patuxent River Policy Plan goals and objectives will be addressed and discussed in the next review stages of the Hughesville Station plans.
7. The project will include a design code which will provide for architectural designs and appropriate landscape buffers. The design code will be submitted at the General Development Plan application time.
8. The site does not have a public water and sewer facility planned, but is proposing service by private well and septic systems. The site has approved percolation test on record with the Health Department. The details will be provided and reviewed by Charles County Health Department and other required agencies during the Site Development Plan application.
9. By designating this project as PEP, it will allow the inclusion of flex space together with office space and retail uses and will create the necessary floor space to allow target industries to locate in Charles County. The total intensity of the project will depend upon final planning, site constraints, and market demand. The project has a phasing plan to promote the orderly staged construction of this project.
10. An existing On-site Storm Water Management Facility for the adjacent All American Harley Davidson property will be expanded to treat a portion of the site development and provide a more cohesive design.
11. The applicant provided a preliminary traffic analysis. Foster Lane is a State road and the State Highway Administration's (SHA) final determination of the project regarding: aligning access points and capacity analysis will be addressed at the General Development Plan Stage, Step 2.

12. The Charles County Planning Commission held a public meeting to consider the application on October 6, 2008. At the public meeting the Planning Commission considered the application, the staff analysis and all written and oral testimony submitted into the record.
13. The Planning Commission held a work session on November 3, 2008 to consider the application. During the work session, the Planning Commission decided to report to the Charles County Commissioners the Planning Commission's recommendation to approve the application with conditions.
14. The Charles County Planning Commission found that the proposed Planned Development Zone Amendment, with its Master Plan, is compatible to the neighborhood, fulfills the multi-use pattern required in the Planned Employment Park Floating Zone, provides for a positive fiscal impact on the County, and is compatible with the Comprehensive Plan.
15. The Charles County Commissioners held a public hearing concerning the application of January 14, 2009. On February 10, 2009, the County Commissioners conducted a work session to discuss the application and the testimony received into the record.
16. The Charles County Commissioners upheld the findings of the Planning Commission.
17. The Charles County Commissioners approved the Planned Development Zone Amendment, with its Master Plan, with the following conditions.
 1. The SWM Act of 2007 will require developments to incorporate Environmental Site Design (ESD) to the Maximum Extent Possible (MEP). Consider ESD measures for the site and incorporate such in the Master/Concept Plan.
 2. Due to the planned extension of Three Notch trail into the county, the applicant shall provide a 5' walkway through the bufferyard terminating at the property to tie into the future trail.
 3. As a public amenity, the applicant shall provide a reserved parking area for the future extension of Three Notch Trail.
 4. To protect the water quality of the Chesapeake Bay and its tributaries, the applicant shall install nitrogen removal on the septic system serving the property.

5. To generally protect air, water and land resources, the applicant shall employ techniques such as replacing fringe lawn areas with BayScaping (conservation landscaping) to limit the use of high emission yard equipment and provide transitional zones for wildlife.
6. The Patuxent River Policy Plan goals and objectives shall be addressed and discussed in the Hughesville Station plans.
7. The applicant shall provide ample landscaping throughout the development including tree-lined sidewalks/pathways between buildings.
8. The applicant shall adopt LEED (Leadership in Energy and Environmental Design) certification at both the site level (required) and the architectural level. The applicant shall also incorporate other green building and site design initiatives.
9. The applicant shall comply with all Federal, State and County regulations and review processes, including but not limited to State Highway Administration (SHA) and the Charles County Health Department.

CONCLUSIONS OF LAW

The County Commissioners, in consideration of the above Findings of Fact, hereby determine that the requested change to rezone the subject property meets the criteria for a change from AC, Agricultural Conservation to PEP, Planned Employment Park as a Zoning Map Amendment.

ORDER

Based upon the Findings and Conclusion, it is, this _____ day of _____, 2009, by the County Commissioners of Charles County, Maryland, ORDERED, that the above captioned petition is hereby APPROVED.

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

Wayne Cooper, President

Edith J. Patterson, Vice President

Reuben B. Collins, II

Samuel N. Graves, Jr.

Gary V. Hodge

ATTEST

Denise Ferguson, Clerk