

**Report to the Charles County Board of Appeals
Request for a Special Exception for a Cemetery Docket #1311
Meeting Date: December 10, 2013**

PROJECT NAME: La Plata Memorial Gardens

PROJECT #: 1311

PROJECT REQUEST: The applicant is petitioning for a *Special Exception, pursuant to Article XXV 297B68 and Use #4.08.120* of the Charles County Zoning Ordinance to develop a cemetery.

SUBJECT PROPERTY: The subject property lot, known as Tax Map 33, Grid 17, Parcel 374, is approximately +/- 4.98 acres. The property is located at the intersection of Radio Station Road and La Plata Road/Route 488, in the 6th election district. This property is located in the Rural Residential (RR) Zoning District.

PROPERTY OWNER: La Plata Memorial Gardens, LLC.

APPLICANT: La Plata Memorial Gardens, LLC.

BACKGROUND: The following is a discussion of specific issues identified by Staff for consideration by the Board of Appeals. The applicant seeks to develop a cemetery. The minimum standards for Use #4.08.120 are established in the Zoning Ordinance. The principal issue is whether the proposed use is appropriate to the subject site, the surrounding neighborhood, and consistent with the requirements of the Zoning Ordinance and the use meets the definition of a cemetery below under 4.08.120 Cemeteries.

This property was previously approved for a Special Exception (SE) status for Docket #1210 on July 11, 2008 and it expired on July 11, 2011 in accordance with Zoning Ordinance Section 297-415 Special Exceptions. (P) Abandonment and Failure to Initiate which states that if an approved SE isn't initiated and commenced within 3 years of the date of approval it is automatically null and void without any further action by the Board. The property owner appealed the expiration via Docket #1306, but it was upheld by the Board of Appeals. They are now reapplying for approval of a Special Exception for a cemetery. This staff report reexamines the proposed use of a cemetery under existing conditions and any changes which have occurred since originally proposed in 2008.

At the time of the original BOA approval, the road design approved by the State Highway Administration (SHA) in 2003 was much less impactful and consisted of only a right turn lane on Route 488 and a merge lane on Radio Station Road. Since the time of the original approval SHA has requested and reviewed alternative intersection design options that eventually resulted in the selection of the roundabout design option which will have a significant impact on the subject property.

CRITERIA FOR APPROVAL AND FINDINGS:

Need for Special Exception:

According to the current ordinance, the proposal as detailed in the application would require a Special Exception in the RR, Rural Residential zoning district (Figure IV-1 Table of Permissible Uses, Use #4.08.120).

Minimum Zoning Requirements:

The minimum standards for the use, 4.08.120 Cemeteries, are as follows: Cemeteries are permitted by special exception in the AC, RC, RR, RV, RL, RM, RH and PRD Zones, subject to the following:

- A. A buffer of 25 feet shall be required between any burial plots and all lot lines.
- B. The proposed location must be compatible with adjacent land uses, existing or proposed highways and any other elements or factors deemed to affect the public health, safety and welfare of the inhabitants of such zone.

Description of Property:

The site is currently unimproved and consists of an open field. There is an unused formerly residential structure on-site that will be demolished. The property has double frontage on Radio Station Road and La Plata Road/MD Route 488. Radio Station Road and La Plata Road/MD Route 488 are developed roads.

Impact on Surrounding Uses:

The character of the surrounding neighborhood is residential. North of the subject property across Radio Station Road are private homes in the Agricopia Subdivision. The land to the east is also a private residence. La Plata Park Subdivision is located to the south of the subject property across La Plata Road/MD Route 488. The land to the west is residential.

Use Specific Analysis:

The proposed use is for a cemetery consisting of 41 block areas with multiple plots. The intent of the project is a burial site for the general public.

PRELIMINARY FINDINGS

The request for Special Exception #1311 was evaluated by Staff based upon the standards set forth in *Article XXV 297B68 and Use #4.08.120* of the Charles County Zoning Ordinance. Findings by staff have been annotated in *italics*.

La Plata Memorial Gardens, LLC, is the developer of the subject property, known as Tax Map 33, Grid 17, and Parcel 374, containing 4.98 Acres +/-.

- i. Will not be detrimental to or endanger the public health, safety, and general welfare.

This property is in a high volume transportation corridor. This property is located at the point where two high volume road systems converge. Transportation monitoring of this road system has shown over time a continuous degradation of traffic conditions. The type of use that this property has proposed will impact the public by increasing traffic congestion during its use (commercial services).

Children from nearby residential subdivisions access school buses along these roadways and an inadequately designed road system may jeopardize their safety. The current road design also causes traffic congestion that impacts several other nearby road systems and neighborhoods and the addition of this proposed use may make it worse. Vehicles traveling through this road system may encounter greater hazards from services on this site that need to return to the main roads. These conditions must be addressed to insure the safety of citizens using this road system. Various road improvement designs have been under review by the County and State. In September 2013 the State Highway Administration completed their review of these designs and selected a Roundabout Concept Design for this area that will significantly impact the subject property and the community.

Therefore, because of this new information, Staff finds that the proposed use may endanger the public health, safety and general welfare of the surrounding neighborhood because this road intersection has become increasingly congested.

- ii. Is a Permissible Special Exception in the Zone.

This subject property is zoned RR, Rural Residential and the requested use of a cemetery is a permitted use in the Rural Residential zone by Special Exception.

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

Staff finds that because of the unique shape and location of this site, which has double road frontage, the proposed use may be detrimental to the use, peaceful enjoyment, economic value or development of the surrounding properties or the general neighborhood may be further negatively impacted by the current and proposed traffic systems. The Agricopia Subdivision is across the street (Radio Station Road) from the subject property. The boundary of the Agricopia Subdivision fronts on Radio Station Road with two roads (Agricopia Drive and Llano Drive) that feed onto it. This subdivision is approved for six hundred and sixty-five (665) single family homes. There are currently two-hundred and thirty-nine (239) homes built with another four hundred and twenty-six remaining (426).

The traffic from this subdivision combined with the proposed cemetery use may cause or exacerbate traffic problems for vehicles traveling directly along the road and may negatively impact the peaceful enjoyment, economic value and development of surrounding properties and the general neighborhood.

iv. Complies with the Standards and Requirements set forth in Article XIII.

Staff finds that the site does not fully meet Condition B of the Standards and Requirements set forth in Article XIII. Adequate Public Facilities, Capital Services and Development Services made the following determinations: The application does not address the proposed highway improvement for Radio Station Road, as per Comprehensive Plan, Table 5-4 "Road Improvements", County Project #F-C-17 "Radio Station Road: Reconstruct as 4-lane parkway between MD 488 and Rosewick Road" - Capital Improvement Program (CIP).

The County has construction plans currently under design and review for improvements to a portion of Radio Station Road and its intersection at MD RTE 488. SHA is requiring that the County provide a roundabout in this joint State and County project with separate right turn lane channelization to improve traffic flow and reduce congestion. This necessitates the need for additional right of way reservation. Due to SHA requirement of a roundabout configuration, the County anticipates that there may be a need to use a portion of the property for a storm water management facility to support the proposed roadway improvements.

Staff finds that the following issues have not been adequately addressed and may prohibit proper development of this site:

According to the Charles County Comprehensive Plan, Radio Station Road is classified as a Minor Arterial. Minor Arterial/Parkway road type (as per Table 2.01 of the Road Ordinance) has a design speed of 50 mph. Since the site entrance is on Radio Station Road, vehicles waiting to turn left or right (into the site) would pose a hazard to through traffic. As per Road Ordinance Section 3.5 C.1.c., the provision of auxiliary lanes shall be required. A Left turn deceleration lane (or a bypass lane) to separate southbound Left turning traffic from southbound through traffic, is not shown on the plan.

The current design does not satisfy the zoning ordinance and subdivision regulations which requires the proposed development to coordinate with the Charles County Comprehensive Plan and Capital Services planned transportation upgrade and road improvements at this site location.

- Since the initial submission of this Special Exception request, SHA has replied in an e-mail format on August 15, 2013, and copied the applicant and their engineer, making known their selection of a roundabout with separate right turn lane channelization as the alternative for the intersection improvement. SHA supports this option because it would improve existing traffic operations while addressing future growth. SHA's preferred roundabout option will now have a much greater impact to the property than the original intersection improvements approved by SHA in 2003.

- It should be noted that the applicant had previously been made aware and provided copies of the round-about configuration and the two other alternatives that were considered by SHA and the potential impacts to their property. The applicant also has indicated that they had initiated and had discussions directly with SHA.

v. Will cause no objectionable impact from traffic, noise, type of physical activity, fumes, odors, dust or glare.

Staff finds that there may be objectionable impact from traffic, noise, the type of physical activity, fumes, odors, dust or glare. These impacts are due to the increase in traffic congestion which is listed in section IV above.

vi. Will provide adequate utilities, water, sewer or septic systems, access roads, storm drainage, and/or necessary public facilities and improvements. If a use requires an Adequate Public Facilities Review by the Charles County Planning Commission, such review shall be made a condition of the granting of the Special Exception by the Board.

The applicant has stated that "La Plata Memorial Gardens will have a minimal impact on public facilities. The proposed use will not require a storm drainage, water, sewer or septic system and will not require an Adequate Public Facilities Review."

The Health Department had "no comments because there appears to be no planned structures for the property which will require individual utilities, such as well and or septic system."

vii. Will provide adequate ingress and egress and be so designed as to minimize traffic congestion in the public streets.

Planning Transportation and Development Services Transportation have determined that adequate ingress and egress is not provided at this site off of Radio Station Road and La Plata Road. A left turn deceleration lane (or bypass lane) to separate southbound traffic will need to be provided. They have provided some conditions that they would like addressed during the Site Development Process should the request be approved. The applicant has previously stated he will comply with required government regulations.

viii. Is in accordance with the objectives of the Charles County Comprehensive Plan.

The proposed cemetery is partly inconsistent with the Charles County Comprehensive Plan general goals for the Rural Residential (RR) zone. The application meets the requirements except for transportation traffic issues (existing and proposed highways), and subsequent elements and factors deemed to affect the public health, safety, and welfare per Section 297-211, Cemeteries B. See IV above for more a detailed explanation of the transportation inconsistencies with the Charles County Comprehensive Plan.

ix. 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 this application does not fully conform to all the applicable regulations of the RR Zone and other special requirements established for the specific use per Article XIII, Section 297-211, 4.08.120 Cemeteries B. The application meets the requirements except for transportation issues (existing and proposed highways), and subsequent elements and factors deemed to affect the public health, safety, and welfare.

STAFF RECOMMENDATIONS

The Planning Division does not recommend approval of a Special Exception for a cemetery. Whereas Planning previously supported approving this request, there has been new information introduced that significantly alters the viability of a development of this type on this site. The reasons for disapproval are listed in the report. Should the Board decide to approve the request it should be with the following conditions:

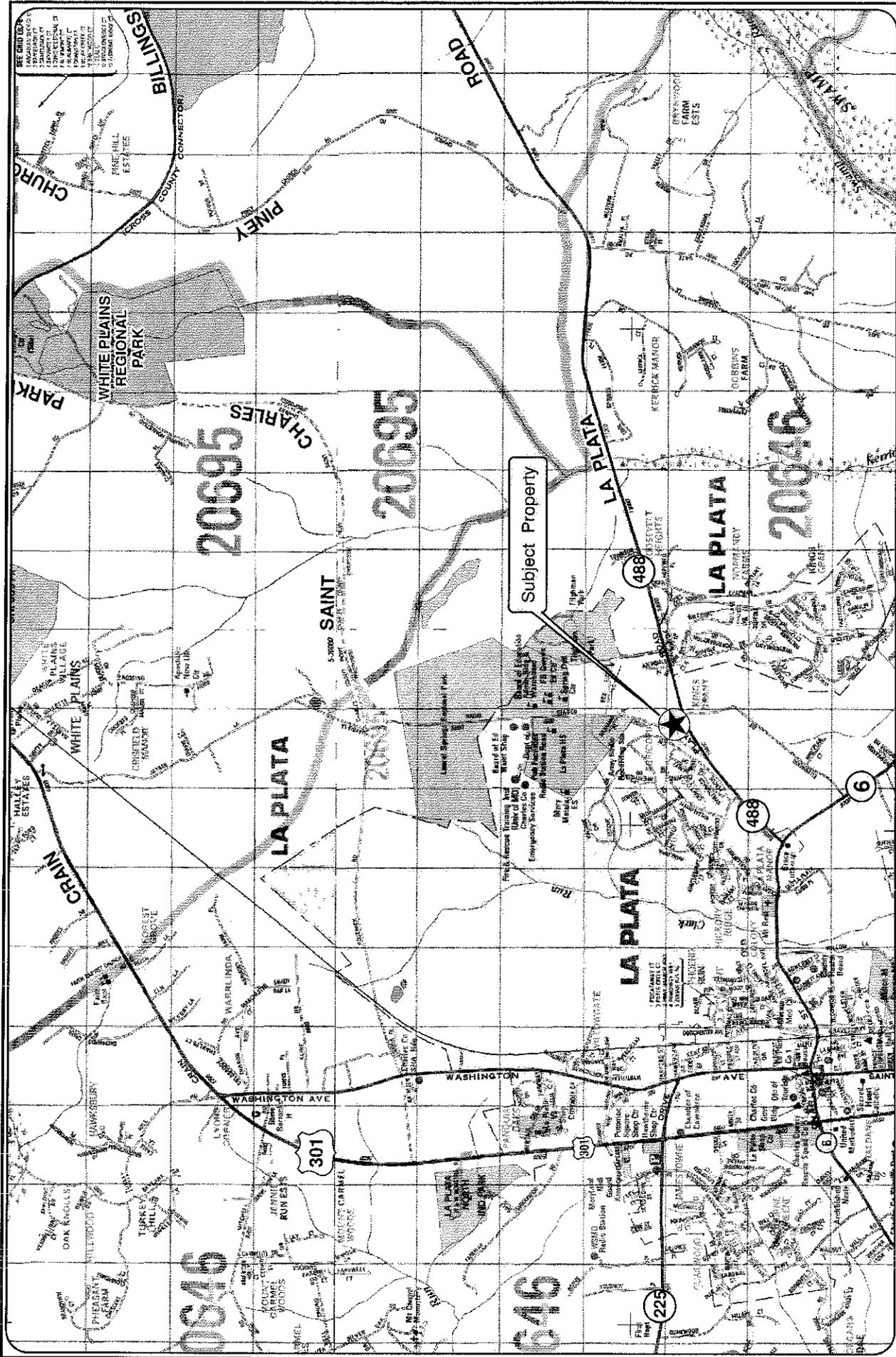
1. In accordance with Charles County Zoning Ordinance Article 25, Section 297-415 Special Exception I (7), all required land use, roads (dedication areas), etc. must be shown on all plans at each development stage when requested.
2. "SHA- AMD has no objection to the Special exceptions package for La Plata Memorial Gardens subject that the developer/applicant dedicates and reserves Right of Way along MD 488 and for future SHA/County intersection improvement project at MD 488 and Radio Station Road. The land reservation should be held in place for a minimum of 3 years."
3. Developer/Applicant/Property Owner(s) agree to provide any required right-of-way dedication in fee simple as required and within sixty (60) days when requested by the County, at no cost to Charles County or Maryland State Highway Administration for the road widenings, when requested by Charles County and/or Maryland State Highway Administration.
4. Charles Soil Conservation District Small Pond approval may be required for the proposed storm water management pond. The design consultant should refer to the USDA – NRCS Maryland Pond Standard (MD 378) requirements. Note that a downstream analysis may be necessary to evaluate effects on downstream properties.
5. Capital Services requests that if special exception is granted, that the prior conditions of the Decision and Order for Docket #1210 be maintained for the new application submitted under Docket #1311.
6. The site plan processing needs to be directed to address current public safety issues at this intersection which indicate intersection improvements are necessary.

7. The applicant must coordinate with Maryland State Highway Administration and Charles County to determine and reflect the limits of revised dedication for Radio Station Road widening improvements and the reservation areas for the selected roundabout intersection improvements on the Site Plan for Special Exception. At this time SHA has selected the roundabout configuration for the intersection improvement.
8. Applicant shall contact State Highway Administration to determine any additional right of way dedications/easements that may be required along MD RTE 488, above what is currently shown on roundabout concept exhibit provided, due to proposed road improvements. Revise both the "Plat of Special Exception" and the "Site Plan for Special Exception" accordingly to show the dedication areas.
9. The "Plat of Special Exception" does not agree with the Special Exception Site Plan in regards to future road dedication on Radio Station Road. Revise both to show a 45' dedication (1/2 Ultimate width 150' ROW required) rather than 20' dedication (as shown on along frontage of Radio Station Road so that they agree.
10. Revise both the "Plat of Special Exception" and the "Site Plan for Special Exception" to show a 45' roadway dedication to extend along the full frontage of Radio Station Road to the point of intersection of MD RTE 488 right of way line.
11. Show the existing/ultimate right-of-way lines on both sides of Radio Station Road and dimension the travel lanes, any adjacent auxiliary lanes (acceleration/deceleration) or turn lanes, and shoulder widths. This information is relevant for determining any additional road frontage improvements that may be necessary.
12. Show and label the right-of-way dedications previously deeded to the County along the frontage of Agricopia Subdivision and label the land record references.

ATTACHMENTS

- Roundabout Overlay Plan (Reflects the roundabout concept with anticipated property dedication areas)
- Roundabout Concept Plan (Reflects the roundabout concept overlain onto the Special Exception Site)
- General site plan

Prepared by Tetchiana Anderson
Planning Division, Department of Planning and Growth Management



**LA PLATA MEMORIAL GARDENS
DOCKET 1311
LOCATION MAP**
CHARLES COUNTY, MD

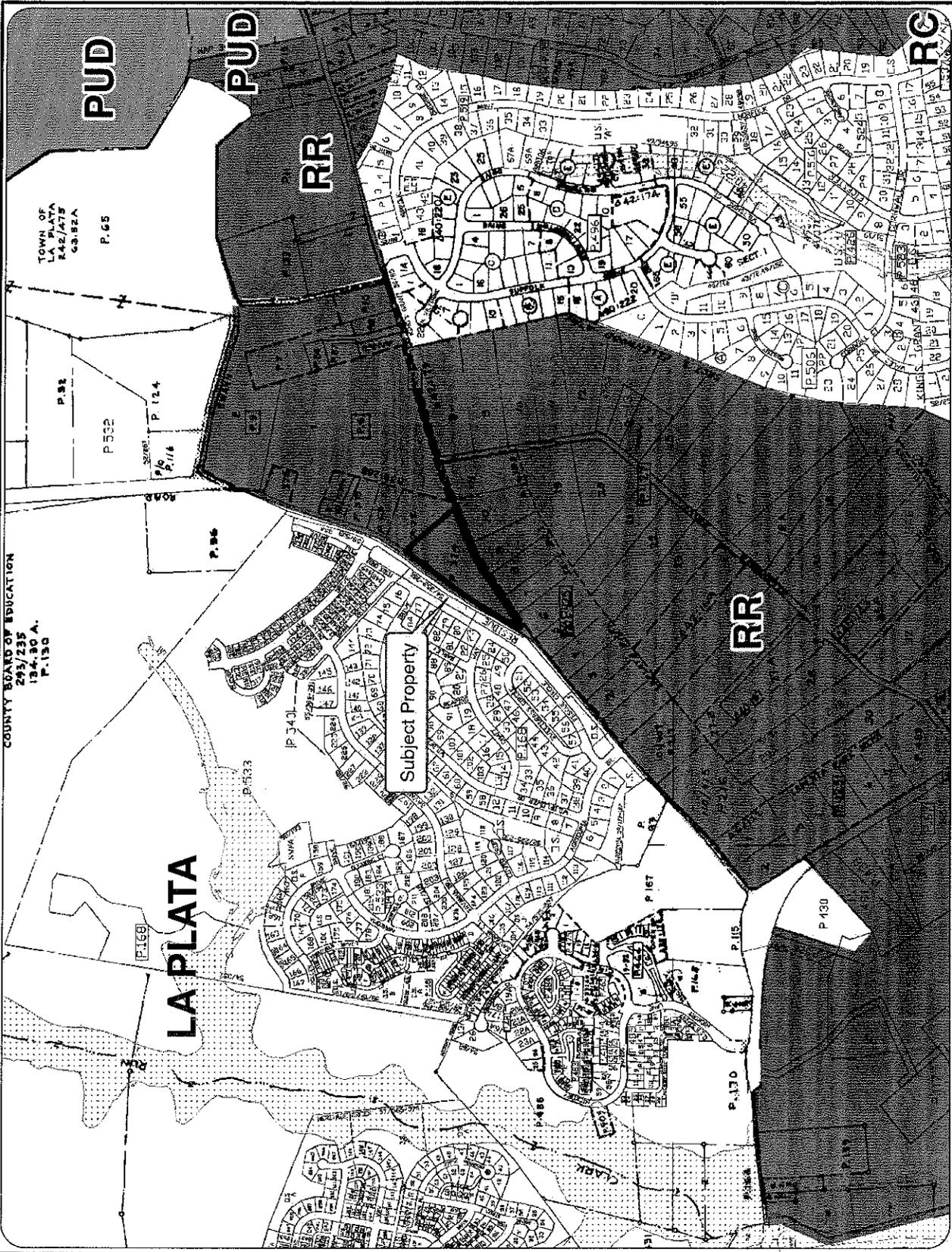
DATE: JULY 2013

CHARLES COUNTY GOVERNMENT
Department of Planning and
Growth Management
200 Ballows St
PO BOX 1156
LA PLATA, MD 20786-0156

SCALE: 10,000 Feet

0 2,500 5,000 10,000 Feet

Information contained on this drawing is for informational purposes only and is not meant to be used for engineering purposes.



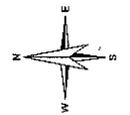
LA PLATA MEMORIAL GARDENS
DOCKET 1311
ZONING MAP
 CHARLES COUNTY, MD

DATE
 JULY 2013

CHARLES COUNTY GOVERNMENT
 Department of Planning and
 Growth Management
 306 Ballshore St
 La Plata, MD 20644
 (301) 445-6027



SCALE
 DRAWN BY:
 CHECKED BY:



0 750 1,500 3,000 Feet

BASE ZONES	OVERLAY ZONES
AC AGRICULTURAL CONSERVATION	HIGHWAY CORRIDOR
AG AGRICULTURAL GROWTH	RESOURCE PROTECTION
CC RURAL CONSERVATION	CRITICAL AREA BOUNDARY
CR RURAL RESIDENTIAL	FLOATING ZONES
CV RURAL RESIDENTIAL	PRD PLANNED RESIDENTIAL DEVELOPMENT
RL VILLAGE RESIDENTIAL	PMH PLANNED MOBILE HOME PARK
RM LOW DENSITY SUBURBAN RESIDENTIAL	PEI PLANNED EMPLOYMENT INDUSTRIAL PARK
RS MEDIUM DENSITY SUBURBAN RESIDENTIAL	PLM PLANNED MIX USE
RH HIGH DENSITY SUBURBAN RESIDENTIAL	PUD PLANNED UNIT DEVELOPMENT
RO RESIDENTIAL / OFFICE	WPC WATERFRONT PLANNED COMMUNITY
RR CORE DEVELOPMENT / RESIDENTIAL	YOD TRANSIT ORIENTED DEVELOPMENT
RM CORE MIXED RESIDENTIAL	
CR CORE RETAIL RESIDENTIAL	
CN NEIGHBORHOOD COMMERCIAL	
CC COMMUNITY COMMERCIAL	
CB CENTRAL BUSINESS	
VC VILLAGE COMMERCIAL	
BP BUSINESS PARK	
LI LIGHT INDUSTRIAL	
HI HEAVY INDUSTRIAL	
AUC ACTON URBAN CENTER	
WC WALDORF CENTRAL DEVELOPMENT DISTRICT	

Information contained on this drawing is for graphical purposes only and is not meant to be used for engineering purposes.



Subject Property

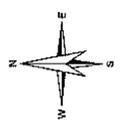
**LA PLATA MEMORIAL GARDENS
DOCKET 1311
AERIAL MAP (2011)**
CHARLES COUNTY, MD

DATE
JULY 2013

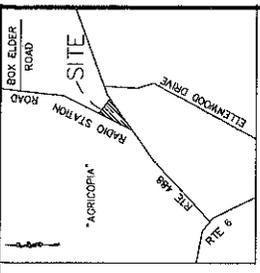
CHARLES COUNTY GOVERNMENT
Department of Planning and
Growth Management
300 Belvidere St.
PO BOX 1159
LA PLATA, MD 20786-0159



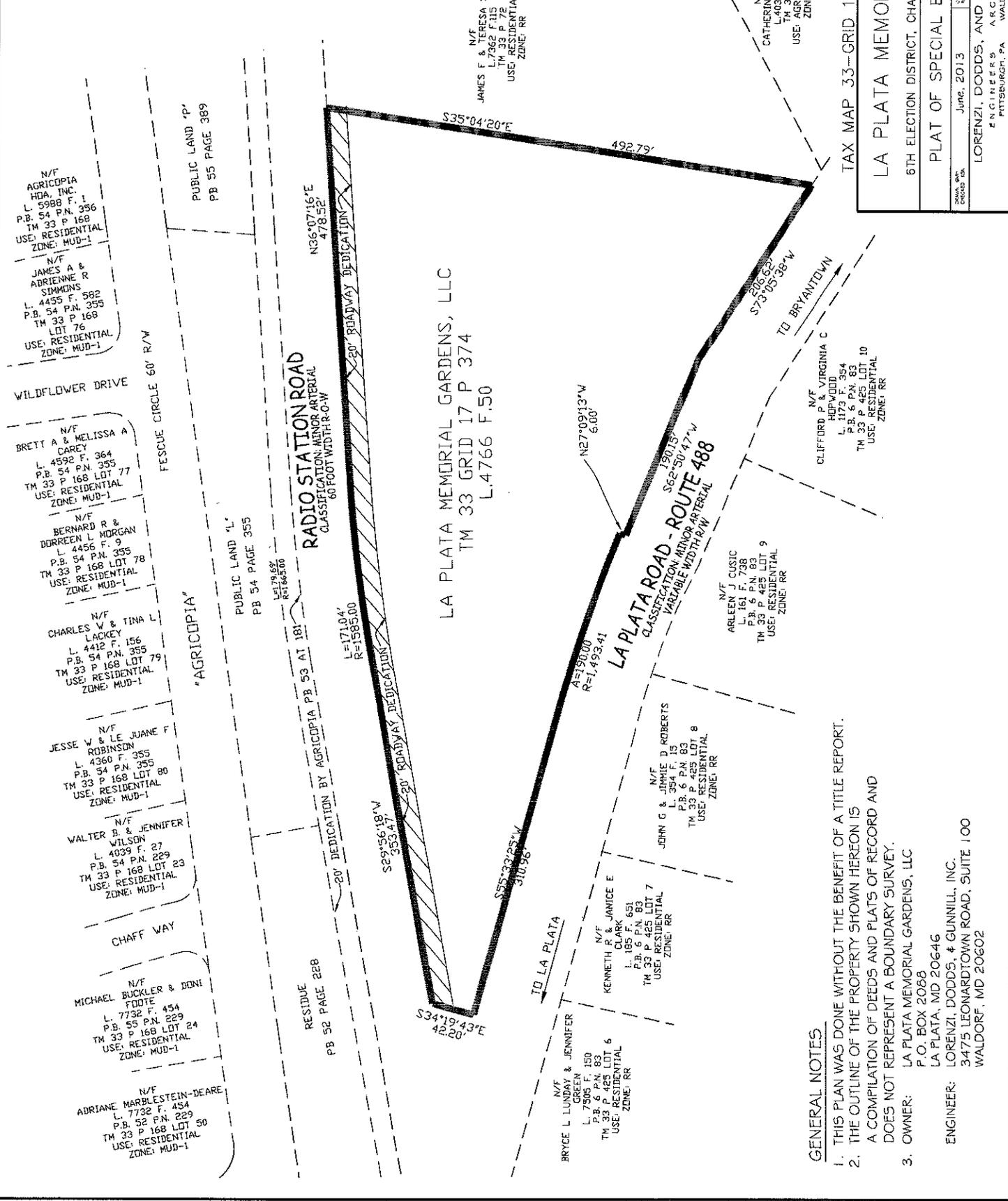
SCALE
DRAWN BY:
CHECKED BY:



Information contained on this drawing is for graphical purposes only and is not meant to be used for engineering purposes.



VICINITY MAP
SCALE 1" = 2000'



LA PLATA MEMORIAL GARDENS, LLC
TM 33 GRID 17 P 374
L.4766 F.50

TAX MAP 33--GRID 17--PARCEL 374

LA PLATA MEMORIAL GARDENS	
6TH ELECTION DISTRICT, CHARLES COUNTY, MARYLAND	
PLAT OF SPECIAL EXCEPTION	SCALE 1" = 60'
JUNE, 2013	CONTRACT NO. 059127-13
LORENZI, DODDS, AND GUNNILL, INC.	
PITTSBURGH, PA	
WALDORF, MD	

GENERAL NOTES

1. THIS PLAN WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
2. THE OUTLINE OF THE PROPERTY SHOWN HEREON IS A COMPILATION OF DEEDS AND PLATS OF RECORD AND DOES NOT REPRESENT A BOUNDARY SURVEY.
3. OWNER: LA PLATA MEMORIAL GARDENS, LLC
P.O. BOX 2068
LA PLATA, MD 20646
- ENGINEER: LORENZI, DODDS, & GUNNILL, INC.
3475 LEONARDTOWN ROAD, SUITE 100
WALDORF, MD 20602

Radio Station & MD 488 - Roundabout Consent - Right-of-Way preliminary Analysis

Property Owner Name	Parcel No	Area - SF	Area - AC	Remarks
1. Radio Station LLC	274 Liber 4788 FOLD 50	52,215.50	1.45	Along MD 488 - North Side (Camelway Site)
2. JESSE L & LYNN M. BAILEY	Lib 4714 FOLD 226	1,517.00	0.04	Along MD 488 - North Side
3. JOHN G. & JIMMIE D. ROBERTS	Lib 364 FOLD 15	4,442.00	0.10	Along MD 488 - South Side

