

**Continuance Report
to the Charles County Board of Appeals
Request for a Special Exception for a St. Charles Sportsman's Club, Docket #1326
Meeting Date: June 10, 2014**

PROJECT NAME: St. Charles Sportsman's Club

PROJECT #: 1326

PROJECT REQUEST: The applicant is petitioning for a *Use Change* through a *Special Exception, pursuant to Articles XXV and XIII, and Use # 4.02.290* of the Charles County Zoning Ordinance to develop a rifle and pistol range, war games, archery ranges or other recreation using weapons.

SUBJECT PROPERTY: The subject property lot, known as Tax Map 30, Grid 14, Parcel 86, is approximately +/- 322.572 acres. The property is located off of Smallwood Church Road approximately 800 feet southeast of Maryland Route 224 in the 10th election district. This property is located in the Rural Conservation (RC) Zoning District.

PROPERTY OWNER: Heartwood Forest Land Fund IV LP, c/o Forestland Group LLC.

APPLICANT: St. Charles Sportsman's Club (Contract Purchaser).

BACKGROUND: The Board of Appeals (BOA) held a Public Meeting on Docket #1326 on May 27, 2014. The applicant seeks a "*use change*" to develop a rifle and pistol range, war games, archery ranges or other recreation using weapons per *Use #4.02.290*. The minimum standards for *Use #4.02.290* are established in *Articles XXV and XIII, and Permissible Table Use # 4.02.290* of 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 whether the use meets the definition of a range under use code 4.02.290.

During the Public Meeting, the Board of Appeals heard a presentation from the applicant's Attorney, Mr. David Martinez of the Jenkins Law Firm, LLC, and from Mr. James Erdman a representative from the Ben Dyer Associates development company. During the Public Meeting, there were approximately fifty-three (53) members of the public who signed up to speak. The public speaking portion of the meeting lasted until almost 11:00 pm so the BOA decided, along with the agreement of the applicant, to continue the case to their next meeting. The case was scheduled to the Tuesday, June 10, 2014 Board of Appeals meeting at 7:00 pm.

OPEN RECORD COMMENTS: The Board of Appeals held the record open for nine (9) days. During the open record period, which closed June 5, 2014, written correspondence was received from ninety-one (91) individuals who opposed the special exception land use change and sixty-eight (68) individuals who supported the special exception land use change, and one (1) letter that took a neutral position. Copies of the written correspondence are attached for review by Board of Appeals Members.

Some of the main concerns raised by individuals who are opposed are: 1) the residents are very concerned about the noise that may come from the various activities, 2) the safety of the overall neighborhood and specifically residences that are nearest the onsite activities, 3) the possible environmental pollutants that may be created, 4) the operational hours of the facility, and 5) the residents believe this activity will have a negative impact on their property values.

Some of the main points raised by individuals who support the special exception are: 1) it will be a quality environment to teach youth and adults how to properly and safely use firearms, 2) this is a club made up of professionals from the community and it is not open to the public so the facility is controlled. The number of users is controlled, and the users are known, 3) the club members care about preserving the natural environment because it is within this environment that they enjoy this activity, and 4) this club has been located in Charles County for over thirty-five years in a densely populated residential neighborhood without any complaints about noise and safety and the new requested range is smaller than what they previously had.

The applicant submitted a supplemental statement to their original application package. This statement, which is attached to this report for your review, also contains the applicant's response to the opposing public comments and concerns made during the public meeting.

Planning Staff reviewed the Supplemental Statement submitted by the applicant and maintains the determination that the applicant has met the general requirements set forth in the zoning ordinance to make this request.

RECOMMENDATIONS: Based upon the review of the application, and as stated in the staff and continuance reports, staff recommends approval of the request for a Special Exception. The Special Exception request for the Subject Property (Tax Map 30, Grid 14, and Parcel 86) to develop a rifle and pistol range, war games, archery ranges or other recreation using weapons was found to be consistent with the Charles County Comprehensive Plan, and the Charles County Zoning Ordinance. Therefore the justifications submitted for this application have met the necessary requirements. Should the Board of Appeals choose to approve this request, the Planning Division recommends that it be subject to the following:

1. The minimum standards for the use, *4.02.290 rifle and pistol range, war games, archery ranges or other recreation using weapons*, specifically (C.) *War games will be permitted for a period of one year only, subject to renewal*, must receive annual approval from the Board of Appeals and meet any and all other Charles County regulations regarding this item prior to renewal commencement.

2. Site development plan approval, including an Adequate Public Facilities review, must be obtained prior to opening. Required parking, road requirements, and the need for entrance improvement along Smallwood Church Road will be evaluated during site development plan review process.
3. The applicant must comply with all other Federal, State, and County regulations and review processes, including but not limited to the State of Maryland Charles County Health Department.
4. The project will be required to address the requirements of the Charles County Forest Conservation Ordinance prior to approval of a Site Development Plan, building or grading permit, and/or plat.
5. The applicant shall provide an exhibit to the Planning Division proposing the limits of clearing for review and approval by DNR. Concurrence from DNR that the limits of clearing are acceptable, is required prior to approval of a Site Development Plan, Development Service Permit, or Building permit for this project.

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

Report to the Charles County Board of Appeals
Request for a Special Exception for a St. Charles Sportsman's Club, Docket #1326
Meeting Date: May 27, 2014

PROJECT NAME: St. Charles Sportsman's Club

PROJECT #: 1326

PROJECT REQUEST: The applicant is petitioning for a *Special Exception, pursuant to Articles XXV and XIII, and Use # 4.02.290* of the Charles County Zoning Ordinance to develop a rifle and pistol range, war games, archery ranges or other recreation using weapons.

SUBJECT PROPERTY: The subject property lot, known as Tax Map 30, Grid 14, Parcel 86, is approximately +/- 322.572 acres. The property is located off of Smallwood Church Road approximately 800 feet southeast of Maryland Route 224 in the 10th election district. This property is located in the Rural Conservation (RC) Zoning District.

PROPERTY OWNER: Heartwood Forest Land Fund IV LP, c/o Forestland Group LLC.

APPLICANT: St. Charles Sportsman's Club (Contract Purchaser).

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 rifle and pistol range, war games, archery ranges or other recreation using weapons. The minimum standards for Use #4.02.290 are established in Articles XXV and XIII, and Permissible Table Use # 4.02.290 of 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 range under use code 4.02.290 rifle and pistol range, war games, archery ranges or other recreation using weapons.

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 RC, Rural Conservation zoning district (Figure IV-1 Table of Permissible Uses, Use #4.02.290).

Minimum Zoning Requirements:

The minimum standards for the use, 4.02.290 rifle and pistol range, war games, archery ranges or other recreation using weapons, are as follows:

The uses of Outdoor rifle and pistol ranges, war games, archery ranges or other recreational activities using weapons are permitted by special exception in the AC, RC, CN, CC, CV, BP, PRD and PEP Zones, subject to the following standards:

A. Adjacent areas shall be predominantly undeveloped or occupied by low-intensity land uses such as agriculture, etc.

B. Facilities shall be constructed in such a manner as to eliminate all danger to people and property from flying projectiles.

C. War games will be permitted for a period of one year only, subject to renewal.

Description of Property:

The site currently consists of a forest. The applicant states that “there are a number of streams that are noted on the property. However, all of these are to be located outside of the limits of the requested special exception activity area.” There is an existing gravel road on the premises. There are two gravel parking lots with ten (10) spaces each. The property has frontage on Smallwood Church Road. Smallwood Church Road is a developed road.

Impact on Surrounding Uses:

The character of the surrounding neighborhood is a mixture of residential, agricultural, and some commercial. North and West of the subject property are private residences and forested properties. South and East of the property are large vacant lots and forested properties, with one of the large lots being the former Pisgah Landfill. The land to the west is residential.

Use Specific Analysis:

The proposed use is for a rifle and pistol range, war games, archery ranges or other recreation using weapons. The intent of the project is to construct a private outdoor firearm range.

PRELIMINARY FINDINGS

The request for Special Exception #1326 was evaluated by Staff based upon the standards set forth in *Articles XXV and XIII, and Use # 4.02.290* of the Charles County Zoning Ordinance. Findings by staff have been annotated in *italics*.

St. Charles Sportsman’s Club, is the developer of the subject property, known as Tax Map 30, Grid 14, Parcel 86, containing +/- 322.572 acres.

a. Article XXV, Charles County Board of Appeals, Section 415, Special Exception, Item (H) lists the following General Requirements, where the proposed use:

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

The Applicant states, the Comprehensive Plan and Zoning Ordinance establish several performance criteria, such as setbacks to property lines, residential uses and environmental constraints, and implementation of sediment erosion control measures, for the protection of public health, safety, and general welfare. In addition the firing range will be located such that natural backstops will be provided to ensure the safety.

Staff finds that this use will be on over 300 acres with activities located in the center of the property, and that existing County regulations (site plan, development plans, etc.) adequately address the issue of public safety. Also, onsite uses are shown on the site plan to be over 900 feet from any property line in any direction, therefore this use minimizes activities that are detrimental to or endanger the public health, safety, and general welfare.

ii. Is a Permissible Special Exception in the Zone.

The Applicant states, the outdoor rifle, and pistol ranges, war games, archery ranges or other recreational activities using weapons is a permissible special exception in the RC Zone.

Staff finds that this subject property is zoned RC, Rural Conservation and the requested use of a rifle and pistol range, war games, archery ranges or other recreation using weapons is a permitted uses in the Rural Conservation 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.

The Applicant states, the Comprehensive Plan and current Zoning Ordinance establish specific performance criteria for outdoor rifle, and pistol ranges. Any Firing Range will be in compliance with these criteria so as not to be a detriment to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood. The existing use in the surrounding neighborhoods consists of agricultural and low density residential development.

Staff finds that existing County regulations allow and address the establishment of this type of use in this zone. Staff further finds that because the use is on over three hundred (300) acres of mostly forestland and because it is located in the center of the property, the proposed use should not be detrimental to the use, peaceful enjoyment, economic value or development of the surrounding properties or the general neighborhood because of the negative impact of current traffic systems.

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

The Applicant states, this application complies with the standards and requirements in Article IX, as noted below [in their application].

Staff finds that the application meets the Standards and Requirements set forth in Article XIII, Minimum Standards for Special Exceptions and Uses Permitted with Conditions, Section 212, Uses corresponding with Table of Permissible Uses, Items A, B, and C, by minimizing dangers to adjacent properties through their design and location of the facilities, which lists the following General Standards, for the proposed use:

A. Adjacent areas shall be predominantly undeveloped or occupied by low-intensity land uses such as agriculture, etc.

The existing use in the surrounding neighborhoods consists of agricultural and low density residential development. The properties to the north and northeast of the subject site are predominately large acre residential, however Staff notes that the distance of the uses to these residential properties (approximately ten (10) properties) is well over 1000 feet and the use is centered in the property and therefore this design should reduce any impact on neighboring properties. The properties to the south are vacant forested lots. The properties across the street consist of six large acre residential properties and two agricultural properties.

B. Facilities shall be constructed in such a manner as to eliminate all danger to people and property from flying projectiles.

Staff notes that the applicant has stated that facilities will be provided in a manner that ensures public safety. Staff also believes that Item B is being met through the large acreage amount which is over 300 acres with the facilities being located in the center of the property in an area where the land slopes and shields the site according to the applicants topographic statements, therefore this may also reduce the danger of onsite activities specifically activities with flying projectiles.

C. War games will be permitted for a period of one year only, subject to renewal.

Staff notes that Item C is part of the initial special exception approval, but will require yearly renewal approval by the Board of Appeals which will be stated in the final staff recommendations.

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

The Applicant states, the traffic generated by the activity of the proposed firing range is predominately on the weekends and limited to club members. The location of the range is situated to provide a buffer of vegetation to minimize any noise and disperse any odors that may be generated by this activity.

Staff finds that because the use is on over three hundred (300) acres dominated by trees and other environmental features, any objectionable impact from the type of physical activity, fumes, odors, dust or glare may be significantly reduced.

- 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 states, there are no utility, water, sewer, or septic systems proposed with this activity, on-site other than portable toilets to be serviced by contact. Engineered plans will be prepared for County approval of storm drainage and access road, parking facilities within the confines on the site.

Staff finds that the applicant has stated that if the Special Exception is approved, they will comply with County Regulations including but not limited to Road Ordinance, Site plans, and Development plans (storm drainage, road access, parking, etc.).

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

The Applicant states, they expect to construct a residential rural entrance in accordance with the latest County Road Ordinance details and specifications, no other improvements are proposed for ingress/egress due to the minimal anticipated traffic to be generated for this use, and the rural character of the surrounding areas.

Staff finds that the applicant has stated that if the Special Exception is approved, they will comply with County Regulations including but not limited to Road Ordinance, Site plans, and Development plans (property entrance, road access ingress/egress, etc.).

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

The Applicant states, the County will support private commercial interests that provided recreation opportunities such as sports complex, marinas, hunting area that expanded recreation opportunities in the County.

Staff finds that the proposed rifle and pistol range, war games, archery ranges or other recreation using weapons is consistent with the Charles County Comprehensive Plan including but not limited to Chapters 3 and 11.

- ix. Conforms to the Applicable Regulations of the zone in which it is located and to the Special Requirements established for the specific use.

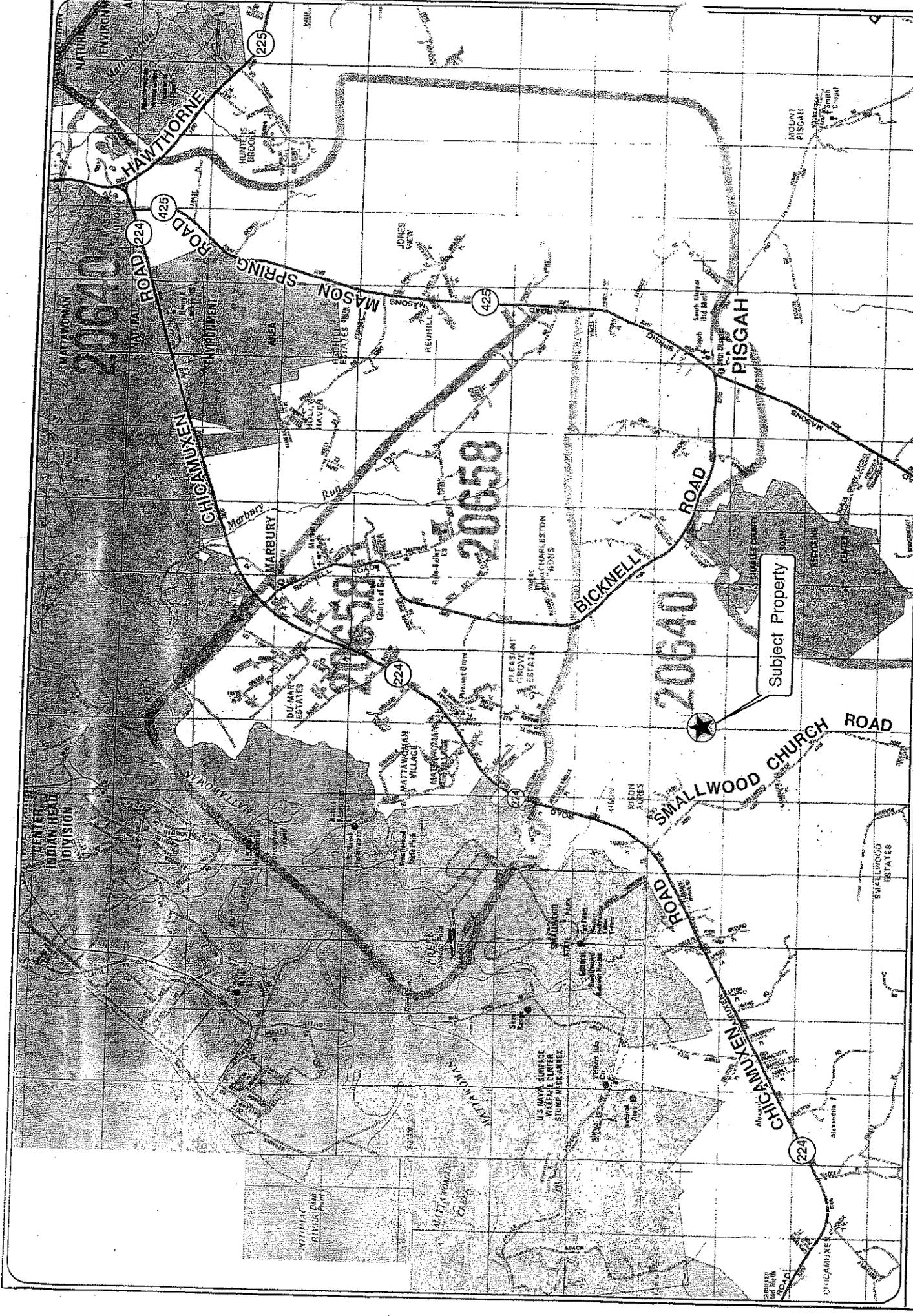
The Applicant states, the site plan shows the activity conforms to the applicable regulations of the Zone, and the special requirements established for the specific use, Article VIII.

Staff finds that this application does conform to all the applicable regulations of the RC Zone and other special requirements established for the specific use. The application meets the requirements.

STAFF RECOMMENDATIONS

The Planning Division recommends approval of the request for a Special Exception for a rifle and pistol range, war games, archery ranges or other recreation using weapons. Should the Board of Appeals choose to approve this request, the Planning Division recommends that it be subject to the following:

1. The minimum standards for the use, *4.02.290 rifle and pistol range, war games, archery ranges or other recreation using weapons*, specifically (C.) *War games will be permitted for a period of one year only, subject to renewal*, must receive annual approval from the Board of Appeals and meet any and all other Charles County regulations regarding this item prior to renewal commencement.
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4. The project will be required to address the requirements of the Charles County Forest Conservation Ordinance prior to approval of a Site Development Plan, building or grading permit, and/or plat.
5. The applicant shall provide an exhibit to the Planning Division proposing the limits of clearing for review and approval by DNR. Concurrence from DNR, that the limits of clearing are acceptable, is required prior to approval Prior to approval of a Site Development Plan, Development Service Permit, or Building permit for this project.



DOCKET 1326
ST CHARLES SPORTSMAN CLUB
LOCATION MAP
 CHARLES COUNTY, MD

DATE: MAY 2014

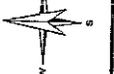
CHARLES COUNTY GOVERNMENT
 Department of Planning and
 Growth Management
 300 Baltimore St.
 La Plata, MD 20785
 (301) 441-5437



SCALE

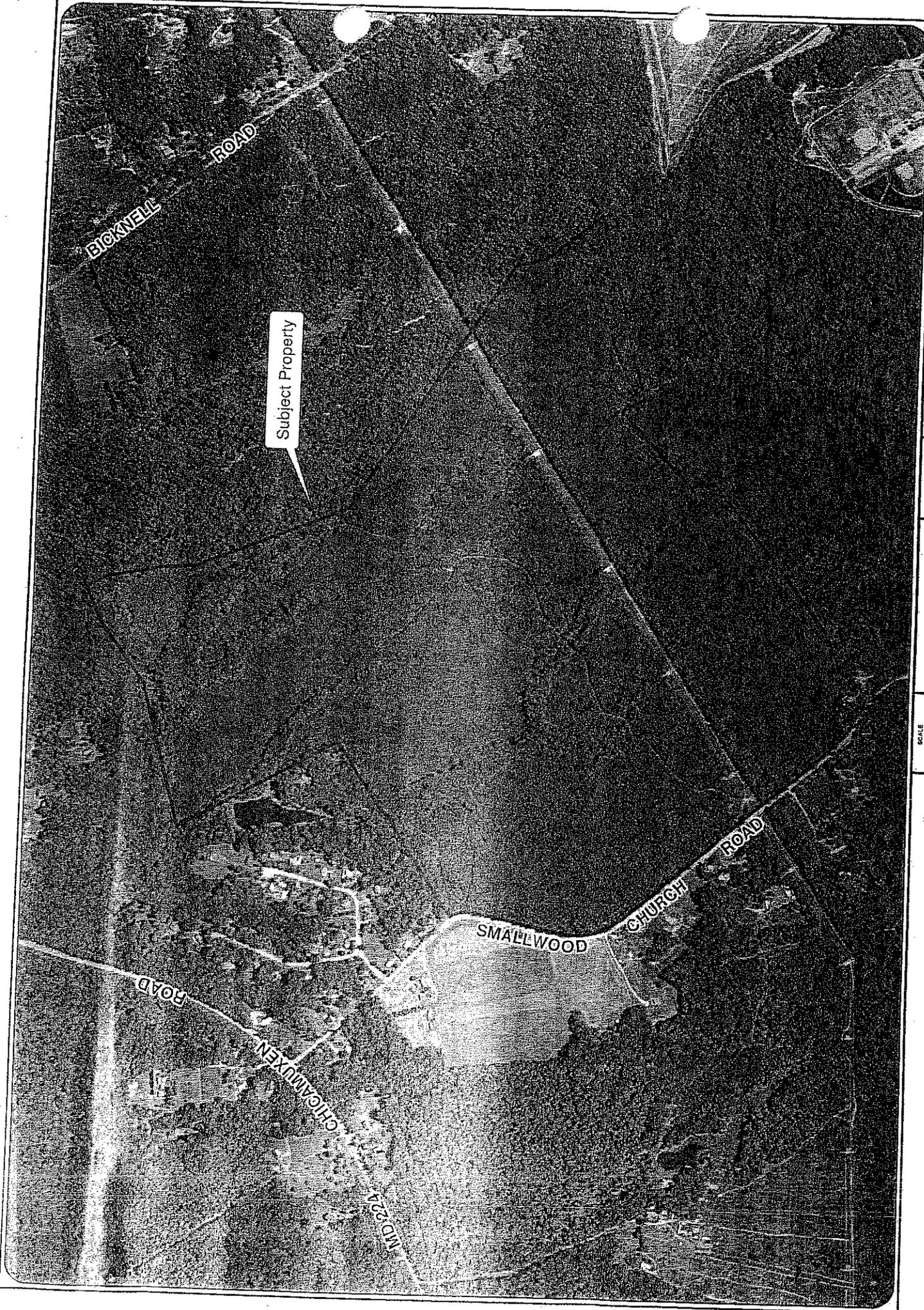
DRAWN BY: [Blank]

CHECKED BY: [Blank]



0 2,500 5,000 10,000 Feet

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



Subject Property

BICKNELL ROAD

SMALLWOOD CHURCH ROAD

OTTOMUXEN ROAD

MD 221

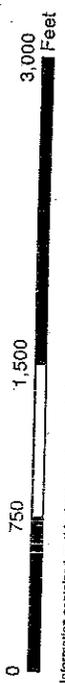
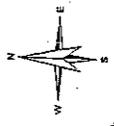
DOCKET 1326
ST CHARLES SPORTSMAN CLUB
 AERIAL MAP (2013)
 CHARLES COUNTY, MD

DATE
 MAY 2014

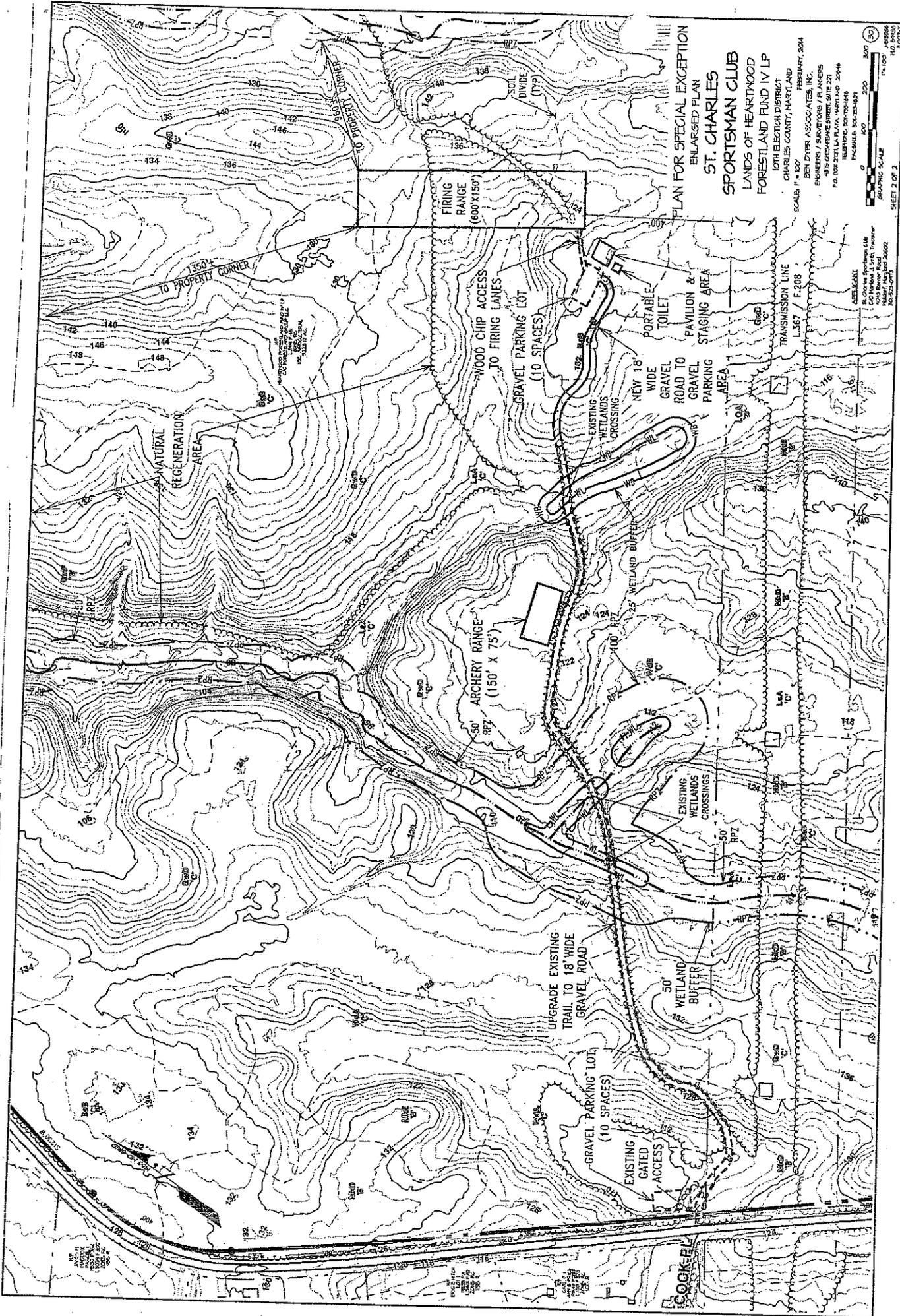
CHARLES COUNTY GOVERNMENT
 Department of Planning and
 Growth Management
 200 Baltimore St
 LEESBURG, MD 21758
 (301) 281-3474



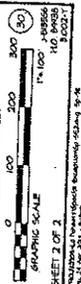
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PLAN FOR SPECIAL EXCEPTION
 ENLARGED PLAN
ST. CHARLES
SPORTSMAN CLUB
 LANDS OF HEARTWOOD
 FORESTLAND FUND IV LP
 10TH ELECTION DISTRICT
 CHARLES COUNTY, MARYLAND
 SCALE: 1" = 50'
 FEBRUARY, 2004
 BERRY PETER ASSOCIATES, INC.
 ENGINEERS/PLANNERS
 825 GREENBAY AVENUE, SUITE 201
 P.O. BOX 2371 LA PLATA, MARYLAND 20646
 TELEPHONE: 301-705-8496
 FACSIMILE: 301-705-8821



SHEET 2 OF 2
 DATE: 02/12/04
 DRAWN BY: J. BERRY
 CHECKED BY: J. BERRY
 APPROVED BY: J. BERRY

L. O. Berry, P.E., Planner
 4000 River Road, #100
 Laurel, Maryland 20642
 301-705-8496
 301-705-8821



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
Joseph R. Gill, Secretary
Frank W. Dawson III, Deputy Secretary

April 24, 2014

Mr. Dennis Riggs
Ben Dyer Associates, Inc.
9375 Chesapeake Street
Suite 227
La Plata, MD 20646

RE: St. Charles Sportsman Club

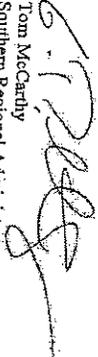
Dear Mr. Dyer,

Thank you for your letter of April 23, 2014. The Department of Natural Resources concurs that the amount of clearing of forest on the property to facilitate the development of the Club's site should be limited to 2% of the 320 acres that comprise the property - approximately 6 to 7 acres. This is consistent with the terms contained in the Conservation Easement on the property relating both to forest management and recreation and with the Department's policy on Impervious surface.

If your application for a Special Exception is approved, DNR will require approval of the final development plan to ensure that the clearing limitation is followed.

Please feel free to contact me if you have any questions.

Best regards,


Tom McCarty
Southern Regional Administrator
Land Acquisition and Planning



Rex W. Coffey
Sheriff

Office of the Sheriff

Charles County, Maryland
Headquarters
6915 Crain Hwy - P.O. Box 189
La Plata, Maryland 20646-0189
301-609-6400



An Internationally
Accredited Agency

January 28, 2014

Theresa Pickeral
Clerk to the Planning Commission
Department of Planning & Growth Management
P.O. Box 2150
La Plata, MD 20646

Dear Ms. Pickeral:

This writing is to support the St. Charles Sportsman's Club in obtaining an exception allowing construction of their proposed facility, at County map 30, grid 14, parcel 86. The property, formerly known as the "Granny Thompson Tract," is currently owned by the Heartwood Forestland Fund.

The intent is to construct a private firearms range.

Our correspondence with the club indicates that all of the most current safety and noise abatement measures will be employed during this construction and adjusted accordingly.

The St. Charles Sportsman's Club has supported the community, active and retired law enforcement and, most important, the Charles County Sheriff's Office. They have provided us with facilities to conduct our training.

The Charles County Sheriff's Office has been very fortunate to have such facilities accessible in our County and to partner with such a civic-minded group.

Our Office recommends the St. Charles Sportsman's Club be granted the required zoning variance to construct their new outdoor range facility in our County.

Respectfully,

Rex W. Coffey, Sheriff
Charles County, Maryland

The Izaak Walton League of America

DEFENDERS OF SOIL, AIR, WOODS, WATERS, AND WILDLIFE



SOUTHERN MARYLAND CHAPTER
PO Box 152 Bryantown, Maryland 20617
www.iwlasomd.org



February 5, 2014

To: The Charles County Government
Planning and Zoning Board
Charles County, Maryland

Dear Board Members,

It is with great pleasure that The St. Charles Sportsman's Club and the Southern Maryland Chapter of the Izaak Walton League of America share in similar values for the preservation and conservation of our land, water and air. The Sportsman's Club and our Chapter through both our existences have worked together in a coordinated effort to promote the outdoors and the sharing of it. With the Sportsman's Club moving to their new property and establishing a new rifle/pistol and archery range will give the outdoors person and the Environmental Resources another positive step towards the wildlife management and protections of our Constitution. Our Chapter endorses the positive use of their land and will continue to work with the Sportsman's Club in their efforts to promote firearms safety by your approving a Special Exemption to build and maintain a rifle/pistol and archery range on their land.

Sincerely,

Brian K. Malpasso
President, So. MD Chapter of the IWLA

Copy SCSC Board