

1 **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

2
3 **2008 Legislative Session**

4 Legislative Day # 22

5
6 **BILL NO. 2008-26**

7
8 **Introduced by: H.H. Hunt and Vivian Adams Development, LLC**

9
10
11 **REZONING OF PARCEL FROM HIGH DENSITY RESIDENTIAL (RH) TO**
12 **PLANNED RESIDENTIAL DEVELOPMENT (PRD)**

13
14
15
16 **Date introduced: 12 / 03 / 2008**

17
18 **Public Hearing: 12 / 03 / 2008 at 3:00 p.m.**

19
20 **Commissioners Action: 01 / 13 / 2009 Approved**

21
22 **Commissioner Votes: WC: N/A, EP: Y, RC: Y, SG: Y, GH: Y**

23
24
25 **Pass/Fail: Pass**

26
27 **Effective Date: 01 /23/2009**

28
29
30 **Remarks: Commissioner Cooper recused himself.**
31 _____
32 _____

1 **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

2
3 **2008 Legislative Session**

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5 Bill No. 2008-26

6 Chapter. No. 297

7 Introduced by H.H. Hunt and Vivian Adams Development, LLC

8 Date of Introduction 12/03/08

9
10 **BILL**

11
12 AN ACT concerning

13 Rezoning of parcel from High Density Residential (RH) to Planned Residential
14 Development (PRD)

15
16 FOR the purpose of

17 Applying the Planned Residential Development (PRD) Zone to certain High Density
18 Residential (RH) zoned property.

19
20 BY amending

21 Charles County Zoning Map 15

22
23 **SECTION 1.** NOW, THEREFORE, IN DUE CONSIDERATION OF THE
24 TESTIMONY, FINDINGS OF FACT AND CONCLUSIONS OF LAW
25 DESCRIBED IN ATTACHMENT “A”, BE IT ENACTED BY THE COUNTY
26 COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Zoning Map
27 of Charles County, Maryland, specifically Parcel 197, Map 15, Grid 5, located off
28 Vivian Adams Drive, directly across the road from John Hanson Middle School in
29 Waldorf, Maryland, encompassing approximately 69.0891 acres in area, be amended
30 as follows:

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Rezone the parcel from High Density Residential (RH) to Planned Residential Development (PRD) as shown on attached Tax Map 15.

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

- 1 4. The proposed Planned Development Zone Amendment proposed a density of
2 7.21 dwelling units per acre through the use of Transferable Development Rights.
3
- 4 5. The proposed Master Plan will not significantly increase the density beyond what
5 is permitted through cluster development regulations. The application of the PRD
6 Zone would permit flexibility in design to locate varying intensities of residential
7 development throughout the site which is not otherwise permitted under the base
8 zone.
9
- 10 6. The project has been designed to include both active and passive recreational
11 opportunities for its residents. All areas within the community will be
12 interconnected through the inclusion of trails, walkways, and all recreational
13 amenities required by the Charles County Zoning Ordinance, which include a
14 club house and pool, parks, tot lots, and common green space. Additionally,
15 upgrades will be made to existing basketball and tennis courts at adjacent schools.
16
- 17 7. The project provides adequate choices for housing types for the specified market,
18 which will include apartments, townhouses, and duplexes. The apartments will be
19 rentals and the townhouses and duplexes will be owner occupied. 10 % of the
20 total units will be work force housing made available to households with incomes
21 of between 80 and 120 percent of the area medium income (AMI) that is available
22 at no more than 33 percent of their income. Work force housing will be made
23 available to professionals who work in Charles County.
24
- 25 8. Per the Charles County Forest Conservation Ordinance, Adams Crossing is
26 required to preserve 12.52 acres of forest conservation. All of the 12.52 acres
27 designated in the forest conservation will be provided on-site within permanent
28 protective easements.
29
- 30 9. The open space, bufferyards, related walkways and surrounding structures serve

1 the needs of the residential community. Adams Crossing is providing several
2 areas of open space, common green space, and parks. Entrances to Adams
3 Crossing have been laid out in such a way as to make the open space / green
4 space areas and community amenities the focal point upon arrival into the
5 development.

6
7 10. Adams Crossing will be providing comprehensive pedestrian circulation network
8 throughout the development, as well as interconnection between the development
9 and adjoining schools.

10
11 11. Adams Crossing will comply with all requirements set forth in regards to
12 screening and buffering necessary between the development and adjoining
13 properties.

14
15 12. A design code will be required to be submitted by the Applicant at the time of the
16 General Development Plan application. The design code will be reviewed and
17 commented on by the Site Design and Architectural Review Planner and revised
18 as necessary to ensure a quality appearance to the project.

19
20 13. The Charles County Planning Commission held a public meeting to consider the
21 application on September 22, 2008. At the public meeting the Planning
22 Commission considered the application, the staff analysis and all written and oral
23 testimony submitted into the record.

24
25 14. The Planning Commission held a work session on October 20, 2008 to consider
26 the application. During the work session, the Planning Commission considered
27 the application and additional information provided as part of the public record.
28 The County Commissioners considered the Planning Commission's
29 recommendation presented in a report dated November 17, 2008. The Planning
30 Commission recommended approval of the application with conditions.

1 15. The Planning Commission found that the proposed Planned Development Zone
2 Amendment, with its Master Plan, is compatible to the neighborhood, fulfills the
3 multi-use pattern required in the Planned Residential Development zone,
4 provides for a positive fiscal impact on the County, and is compatible with the
5 Comprehensive Plan.

6
7 16. The Charles County Commissioners held a public hearing concerning the
8 application on December 3, 2008. On January 13, 2009, the County
9 Commissioners conducted a work session to discuss the application and the
10 testimony received into the record.

11
12 17. The Charles County Commissioners upheld the findings of the Planning
13 Commission.

14
15 18. The Charles County Commissioners approved the Planned Residential
16 Development Zone Amendment, with its Master Plan, with the following
17 conditions.

18
19 (1) A full traffic study will be required upon Preliminary Plan of Subdivision
20 and/or Site Development Plan submittals, delineating the traffic impact of this
21 development on the nearby roads and intersections. Those submittals will be
22 required to meet Adequate Public Facilities (APF) standards of the Zoning
23 Ordinance.

24
25 (2) Upon Preliminary Plan of Subdivision submittal, the development will
26 also be required to provide roadway improvements to Vivian Adams Drive,
27 including but not limited to pavement widening and shoulder improvements, in
28 order to meet the Subdivision Regulations Section 75 “Requirements for
29 Development Adjoining Existing Roadways”.

30

1 **CONCLUSIONS OF LAW**

2
3 The County Commissioners, in consideration of the above Findings of Fact, hereby determine
4 that the requested change to rezone the subject property meets the criteria for a change from RH,
5 Residential High Density to PRD, Planned Residential Development as a Zoning Map
6 Amendment.

7 **ORDER**

8
9 Based upon the Findings and Conclusion, it is, this 13th day of
10 January, 2009, by the County Commissioners of Charles County, Maryland,
11 ORDERED, that the above captioned petition is hereby APPROVED.
12

13 COUNTY COMMISSIONERS OF
14 CHARLES COUNTY, MARYLAND

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17 _____
18 Wayne Cooper, President

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22 Edith J. Patterson, Vice President

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25 _____
26 Reuben B. Collins, II

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30 Samuel N. Graves, Jr.

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34 Gary V. Hodge

35 ATTEST:

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37 _____
38 Denise Ferguson, Clerk
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