

Justification Statement
Consistency with the Zoning Ordinance and with County Plans
Special Exception Request
Use 4.01.400

Introduction

The Applicant, the Teresita S. Cauterucci Trust, seeks Special Exception approval to develop a wedding / special event venue on the Subject Property (Use 4.01.400, "Social, Fraternal Clubs and Lodges, Union Halls, and Similar Uses") located at 14600 Banks O'Dee Road in Newburg, MD. The 27.69-acre site is shown as Parcel 17 (Lot 2 and parcel A1) on Charles County Tax Map 86, in Grid 9. The Subject Property, known locally as Amber View Vineyard, is zoned AC (Agricultural Conservation District). It is currently used as a working farm and private residence, and includes an established vineyard, assorted barns and outbuildings, woodland and pastureland. The site also falls partly within the Chesapeake Bay Critical Area (CBCA) Overlay Zone, and a Critical Area Buffer Management Plan has been prepared as part of the required Special Exception Site Plan. As shown in the *Charles County Zoning Ordinance (Figure IV-1, the Table of Permissible Uses)*, Use 4.01.400 (Social, Fraternal Clubs and Lodges, Union Halls, and Similar Uses) is permitted by Special Exception in the AC Zone. This application is consistent with the goal of the County Government to encourage Agritourism within Charles County. The County Commissioners recently passed Bill 2021-01, as a Zoning Text Amendment, with the goal to "preserve and strengthen the viability and vitality of rural areas within the County". The purpose of this Bill was to establish a definition of agritourism and ecotourism, and to encourage such uses in the rural areas of the County, thereby providing an additional means of economic vitality for working farms such as that owned by the Applicant and enhancing the use of rural lands by the community in general. This Application is entirely consistent with the goals of the County Commissioners to enhance and preserve rural properties and to promote agritourism.

In accordance with Section VI (A) and (B) of the Special Exception Application, the Applicant must demonstrate that the proposed use is consistent with *Charles County Zoning Ordinance Article XXV, Section 297-415*, and more specifically for this request, *Article XIII, Section 297-212, Use 4.01.400*. In addition, conformity with other applicable County and State Plans, such as the 2016 Charles County Comprehensive Plan and the Sustainable Growth and Agricultural Preservation Act (Tier Map Designation) must be established. The Applicant's response to each requirement is shown in **bold** below:

Conformity with the Zoning Ordinance

In accordance with *Article XIII, Section 297-212, Use 4.01.400* is permitted by Special Exception in the AC Zone subject to the following (3) conditions:

- 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 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 setbacks shall be 50 feet.

As shown on the Special Exception Site Plan, the existing house is +/- (240') back from the front property line, and +/- (210') from the closest side property line. The closest proposed structure to the property line would be (222') away from the lot line, and the furthest would be (258') from the line. Please note that the locations shown for the “proposed structures” on the Site Plan depict areas where tents appropriate to accommodate a specific number of expected guests would be temporarily erected for an event, and then taken down at the event’s conclusion. No new permanent structures are proposed in connection with this request.

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

The operation of the special event venue will include the provision of food, refreshments and musical entertainment for invited guests. However, no on-site food preparation is proposed in connection with this request. Food service professionals (caterers) will bring all food and drink to the site ready to consume at the specific event, providing their own water, heat and refrigeration as needed. If requested for the specific event, music and dancing can be provided within the existing barn and on the adjacent covered patio. It is the Applicant’s intent to establish 9 p.m. (weeknights) and 10 p.m. (weekends) as the time music will end for all events.

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

No new outdoor site lighting is proposed. The property currently has existing “minimal” site lighting which will be used for events. This existing site lighting has been located and used on the property for years. The property currently has some barn mounted exterior lighting and three (3) pole mounted lights which provide light to the parking and walkway areas. These existing lighting fixtures do not face, nor are directed, towards the adjacent community, but rather are focused toward the interior of the property.

In accordance with *Article XXV, Section 297-415 H.*, the Board of Appeals shall grant a Special Exception when, from a preponderance of evidence of record, the proposed use:

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

The types of Special Events proposed for the venue on the Subject Property do not include any activities that would pose a threat to public health, safety or welfare. The proposed activities include social gatherings such as weddings and wedding receptions, bridal and baby showers, corporate outings, wine tastings, family or class reunions and birthday parties.

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

In accordance with Article XIII, Section 297-212, Use 4.01.400 (*Social, fraternal clubs and lodges, union halls, meeting halls, and similar uses*) is permitted by Special Exception in the AC Zone. The Applicant was advised by the Department of Planning & Growth Management staff of the requirement for Special Exception approval while the Applicant was completing the process of a minor site plan approval. As PGM Staff has reviewed the minor site plan and has found no objections, the Applicant believes that this use would be permissible in the zone.

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

As a rule, events would occur mostly on the weekends, during the warmer months of the year, and very infrequently during the week or wintertime. The sporadic nature of the Use as developed on the Subject Property precludes any detrimental effects to the peaceful enjoyment or development of the adjacent properties. The vineyard and outdoor event venue represent marketable agritourism development in a Priority Preservation Area, that increases the economic value of the Subject Property and of the surrounding properties in the neighborhood.

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

As described on pages 1 and 2, and as shown on the Special Exception Site Plan, the proposed Event venue complies with the standards and the (3) requirements for Use 4.01.400, in the AC Zone, as set forth in Article XIII.

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

The types of activities and social gatherings proposed as part of this special event venue are not associated with fumes, odors, dust, or glare. On the contrary, the intended ambience for future events at Amber View Vineyard will showcase the extraordinary scenic beauty of the Property and its peaceful rural setting on the Potomac River. The aromas of fine foods and the fragrance of bridal bouquets are the only odors or fumes expected to be generated by this Use, as proposed. The existing driveway into the site is hard-surfaced, and the temporary parking areas will be located on established grass fields, diminishing the possibility of dust being raised by cars entering the site. Musical performances that are a part of specific events will be curtailed at 9 p.m. on weeknights, and 10 p.m. on weekends, restoring quiet to the neighborhood at a reasonable time.

Because of the nature of the venue, and the resulting estimated frequency of events, traffic generation will be sporadic, with events expected to be seasonal for the most part, tending to be on the weekends in warmer months. Total Average Event Day Vehicle Trips (in and out) were estimated at 138 trips per event. Further, it is projected that not all guests or vendors would arrive or depart at the same time and

would instead gather and disperse gradually over an estimated 2-hour time period, for events that are 5-6 hours long on average. The Applicant foresees no reasonable scenario where event traffic would occur at peak morning or afternoon travel hours on weekdays (commute times). There are no roadway intersections near the proposed event venue that would be adversely affected in any measurable way by event traffic. An Estimated Trip Generation analysis has been included with this Application.

- (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 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.

There is an existing well and septic system serving the main house and gardens, the barn, and the farm operation. These facilities have been in place and functioning since construction of the house in 2014, and their locations have been shown on the Special Exception Site Plan. Except for members of the wedding party, special or overnight guests who will have access to the main house, restroom facilities for event guests will be provided in the form of licensed mobile restroom trailers, which are delivered to the site by truck, already equipped with potable water supply, private stalls, flushable toilets, and running sinks. These temporary restrooms will be removed at the conclusion of the event. No new permanent structures are proposed in connection with this request, and no additional water supply or sewage treatment will be needed to serve the Use. No land disturbing activities are proposed, however, in keeping with CBCA regulations, a Critical Area Buffer Management Plan is required for County minor site plan approval. A Buffer Management Plan and detailed planting list has been included with the Special Exception Site Plan.

The Subject Property is currently accessed directly from Banks O'Dee Road, a paved (40') County right of way. The existing paved driveway serving the site is nearly centered in the +/- (770') of property road frontage. The driveway is more than (700') from the nearest roadway intersection, where Banks O'Dee Road meets a small private road known as Williams Park Place. Considering that and the fact that the entrance can be very clearly seen from a distance, without obstructions (topography or vegetation) in the sight line in both directions, no measurable traffic impact or traffic congestion is foreseen as a result of the event venue development.

As no public facilities will be impacted negatively or constrained in any way by development of the proposed Use on the Subject Property, no further adequate public facilities review is necessary.

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

As previously described, the Subject Property is served by an existing driveway accessed from a public roadway that is adequate to serve the proposed Use. It is

estimated that +/- 70 cars will park on site during an average event, which would last 5-6 hours. The Applicant foresees no reasonable scenario where event traffic would occur at peak morning or afternoon travel hours on weekdays (commute times). There are no roadway intersections near the proposed event venue that would be adversely affected in any measurable way by event traffic.

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

Development of a Special Event Venue at Amber View Vineyard is in accordance with the objectives of the 2016 Charles County Comprehensive Plan, as demonstrated by the following:

- a. In Chapter 3, Land Use, on page 3-14, the purpose and intent of the Agricultural Conservation District is described as *“those areas where farming is prevalent. Included are farmlands, open fields, woodlands, stream valley and marshes”*. As proposed, the development of the Special Event venue is intentionally incorporated with the preservation of the productive vineyard, farm fields, woodland and marshes that are already present on the Subject Property. The additional income from the event venue rentals will contribute to the continuing operation of the farm as an agri-business, adding economic sustainability and viability into the future. The Use is also entirely appropriate for land that is located within the County’s Cobb Neck Priority Preservation Area.
- b. In Chapter 3, Land Use, on page 3-21, the Sustainable Growth and Agricultural Preservation Act of 2012 is discussed. The Act required all Maryland jurisdictions to classify their lands into (4) Tiers. The Subject Property was subsequently classified as Tier IV. Tier IV areas have significant contiguous agricultural and forest land, and major residential subdivisions are prohibited. In keeping with the Tier IV designation, the proposed Use does not include any additional dwelling units or new construction, focusing instead on agricultural preservation and habitat protection.
- c. In Chapter 5, Natural Resources Protection, on page 5-14, requirements for habitat protection plans for any development within the Chesapeake Bay Critical Area (CBCA) are discussed. Due to the location of the Subject Property within the CBCA, a Buffer Management Plan has been provided as part of this review. In accordance with Section 297-131 C (2) of the Zoning Ordinance, and as described in General Note #4 on the Special Exception Site Plan, Buffer Management planting would be provided should agricultural operations cease on the Subject Property in the future.
- d. In Chapter 8, Transportation, page 8-10 references Adequate Public Facilities requirements and states *“Developers must demonstrate that adequate infrastructure and services exist to serve the proposed*

development.” As previously discussed, no new public water or sewer facilities will be required to serve the Use as proposed. With proposed minimal driveway widening as shown on the Site Plan, the existing driveway connection to the public road will provide adequate ingress and egress to support the planned activities associated with the new Use on the Subject Property.

- e. In Chapter 10, Community Development, it states, “The overall vision for community character in the Rural Areas is to preserve rural character in an economically sustainable manner. This means preserving agricultural land (through purchasing conservation easements), protecting forests, marsh and waterfront landscapes, protecting important views, scenic vistas and references to County history and culture, and maintaining and enhancing rural villages. New economic activity is necessary to keep the rural areas vibrant, but it respects and fits into the older, existing landscape rather than taking it over and dominating it.” Development of a Special Event Venue at Amber View Vineyard accomplishes almost every aspect of the planning vision for Charles County’s rural lands, as described in this passage from 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.**

In Article VI, Section 297- 87 of the Zoning Ordinance, specific regulations pertaining to development within the AC Zoning District are provided. In accordance with Figure VI-1, the proposed site development conforms to the requirements for minimum lot area, lot dimensions, building setbacks from adjacent lot lines (front, side, and rear yards), and maximum building height for the AC Zone. As shown on the Special Exception Site Plan for the 27.69-acre property, the closest permanent structure to any property line is the main house. The structure is located +/- (240’) from the front property line, and +/- (210’) from the closest side property line, far exceeding the respective (75’) and (40’) required minimum setbacks. The house is (2 ½) stories in height and compliant with the 3-story height limit in the AC Zone.

The development of the proposed Use as a special events venue on the Subject Property meets the Objectives of the AC Zone as described in Section 297-87 by protecting existing natural resources and scenic values, respecting the limitations on residential development, and supporting the farm economy. Compliance with the special requirements for development of Use 4.01.400 in the AC Zone in accordance with Article XIII has been previously established.

Conclusion

As described above and shown on the Special Exception Site Plan, all standards and requirements for development of Use 4.01.400 on the Subject Property, specifically as a special events venue, have been met. The information provided in this request related to

the operation of the venue and any potential impacts on the surrounding properties clearly demonstrates that no such adverse impacts are anticipated. No public facilities would be impacted (roads, schools, or utilities), no new permanent structures are proposed, and no significant land disturbance is planned. By preserving the farm, the vineyard, and the scenic waterfront views intact, development of the proposed Use would contribute to the economic viability of agriculture and agri-business in a Priority Preservation Area. For these reasons, the Applicant respectfully requests approval of this Special Exception.