

**COUNCIL OF THE TOWN OF LA PLATA**  
**Resolution No. 11-13**

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<b>Introduced by:</b>	<b>Mayor Roy G. Hale</b>
<b>Date Introduced:</b>	<b>June 21, 2011</b>
<b>Planning Commission Public Hearing:</b>	<b>None required</b>
<b>Town Council Public Hearing:</b>	<b>July 26, 2011</b>
<b>Amendments Adopted:</b>	
<b>Date Adopted:</b>	<b>September 27, 2011</b>
<b>Date Effective:</b>	<b>November 12, 2011</b>

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1 A RESOLUTION concerning

2  
3 **Johel Limited Partnership and FCD-Development, LLC**  
4 **Annexation Plan – 14.111 Acres**  
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6 **FOR** the purpose of approving an Annexation Plan for the annexation of 14.111 acres,  
7 more or less, of land into the corporate limits of the Town of La Plata; and all  
8 matters relating to a plan for annexation of such 14.111 acres of land, more or less,  
9 into the Town of La Plata.

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12  
13 **WHEREAS**, the Town of La Plata has received a written Petition for Annexation,  
14 and written Supplements to the Petition, from Johel Limited Partnership and FCD-  
15 Development, LLC to extend the boundaries of the Town by annexing 14.111 acres of  
16 land, more or less, as described in the Petition for Annexation and its Supplements and  
17 attached to Resolution 11-11; and

18  
19 **WHEREAS**, only 10.00, more or less of the 14.111 acres, of land, more or less,  
20 will be subject to development, the remainder lying within the right-of-way of U.S. Route  
21 301; and

22  
23 **WHEREAS**, Article 23A, Section 19, of the Annotated Code of Maryland requires  
24 that municipalities adopt annexation plans for the areas proposed to be annexed into their  
25 corporate limits; and

26  
27 **WHEREAS**, the Council of the Town of La Plata desires to adopt an Annexation  
28 Plan for the 10.00 acres of land, more or less, to be annexed into the corporate limits of the  
29 Town of La Plata and subject to development.

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NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF LA PLATA that it hereby adopts the Annexation Plan, June, 2011, attached hereto as Exhibit A and incorporated herein by reference.

ADOPTED this 27 day of September, 2011.

SEAL:  
LA PLATA

COUNCIL OF THE TOWN OF

Roy G. Hale  
Roy G. Hale, Mayor

R. Wayne Winkler  
R. Wayne Winkler, Councilman

C. Keith Back  
C. Keith Back, Councilman

Paretta D. Mudd  
Paretta D. Mudd, Councilwoman

Joseph W. Norris  
Joseph W. Norris, Councilman

ATTEST:

Danielle Mandley  
Danielle Mandley, Town Clerk  
Date: 9/27/11

**EXPLANATION:**  
CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
((Double Parenthesis)) indicate matter deleted from existing law.  
Underlining indicates amendments to bill.  
~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.



*Town of La Plata  
Annexation Plan  
Johel Limited Partnership  
June 2011*

**General Description**

The total property area proposed for annexation is 14.11 acres of land located in the 6th Election District of Charles County, Maryland. The parcel proposed to be annexed is owned by Johel Limited Partnership as shown on Tax Map 33, Parcel 492 with an area of 10.00 Acres, commonly referred to as, Mitchell Supply. The remaining area of 4.11 Acres to be annexed is a portion within the existing 150' Right of Way of Maryland Route 301. The 14.11 acres requested for annexation is bounded on the South by the undeveloped and wooded property of Harry Hemsley, Liber 52, Folio 322, Parcel 29, which is located outside the corporate limits of the Town of La Plata. North and East of the requested annexed land is bounded by Faison Rosewick, LLC, Liber 5965, Folio 653 and Rosewick Crossing Parcel 2, South of Rosewick Road. This property is commonly referred to as the Jennings property which is to the immediate south of the Rosewick Road extension, and the Rosewick Crossing Development. The Johel tract is bounded on the west by property zoned CC, Community Commercial.

The requested Johel tract annexation, Parcel 492, is currently zoned CC, Community Commercial, as identified in the Charles County Zoning Ordinance. The zoning classification is intended to provide a wide range of commercial uses and establishments to serve several neighborhoods in appropriate locations along major roads while discouraging strip development. The Parcel, developed as Building Supply and Lumber Company, Inc. is under contract to be sold to FCD-Development, LLC.

The portion of Maryland Route 301 proposed to be annexed into the Town allows for Town Police jurisdiction from Rosewick Road, south onto MD Route 301, across the existing median cut, into the existing Mitchell Supply entrance.

**Land Use Pattern**

The parcels proposed for annexation were designated as "Future Incorporated Town Growth Areas" in the 1997 Charles County Comprehensive Plan, and are

consistent with the provisions of the Town of La Plata 2009 Comprehensive Plan Municipal Growth Element. In the area petitioned for annexation, the area is zoned Community Commercial. The requested zoning comes under the Town of La Plata zoning category CH, Commercial Highway. This zoning classification of the Town would permit the development of commercial uses, consistent with the County and Town Comprehensive Plans and Zoning Ordinances. Proposed uses will be consistent with the use standards contained within the Town of La Plata CH Zone.

The existing uses of the privately owned parcel include a building supply company and a rental car establishment. Proposed uses include a Walmart Supercenter, on the balance of the project, but outside of the annexation area is proposed outlot retail and 50,000 sf of office buildings. These would be allowable uses within the Town's CH Zone.

### **Public Facilities**

A required consideration of any annexation request is the availability of public services to serve the proposed development on the subject property. The Comprehensive Plan for the Town of La Plata requires the applicant to demonstrate the ability of the Town's facilities to provide the necessary infrastructure to serve the development needs of the subject parcels.

### **Public Services**

Development of the subject site as intended by the proposed Development Program will have minimal impact on Town facilities. The majority of Town services expended are in relation to the needs of the growing residential communities within the Town. Conversely, commercial uses traditionally require less public services than residential communities. The proposed development of the subject site will have no impact on schools based upon the requested CH zoning. Therefore, no land will be needed from this area for a school site.

The Charles County Library is located on Charles Street in downtown La Plata. Because of its commercial nature, this proposed annexation will not warrant an additional library site. Due to the proposed commercial nature of the parcels, a recreation facility in this area would be impractical. Additionally, the commercial nature of this annexation will not generate a need for additional recreation facilities.

## **Emergency Services**

Police services within the Town of La Plata are provided by the Town Police Department. The Town Police rely upon and are supported by the Charles County Sheriff's Office and the Maryland State Police. Fire and rescue services are provided by the local Volunteer Fire and Rescue companies, which receive support from the Countywide fire tax as well as government sources. The subject property is within one (1) mile of current Fire and Rescue facilities within the Town, within a mile and a half to the County Sheriff Office and within less than a mile to the current State Police barracks, located off Mitchell Road. It is anticipated that the existing service providers will be able to adequately service the needs of the project, and that the needs of the proposal will not unduly tax existing service providers. There is no need for land for a police station. There is no need to reserve land for a fire station.

## **Water and Sewer**

Rosewick Crossing, a retail commercial development, North of the Johel Limited Partnership site, and 18 acres on the south side of Rosewick Road were annexed into the Town of La Plata in May 2006. This annexation required Faison to upgrade the Town's water and sewer capacity, including an upgrade to the Mary Ball pump station and the addition of a new 250,000 gallon water tower and 600+ gpm well. These improvements were in excess of what was required to mitigate for the impacts caused by Rosewick Crossing and are adequate not only for development of the Jennings property but the additional 10 acres of the Johel site.

### **Water**

With the development of Rosewick Crossing, the developers installed a new well, with a design capacity of 618 gallons per minute (gpm) and a new 250,000 gallon onsite elevated storage tank. These improvements were a result of analysis of the existing water system in the Town of La Plata. The construction of the water tower and well have been completed and both are now on-line, adding water flow and increased water pressure to the Town's water supply.

The water system improvements that are presently in-place, through the development of Rosewick Crossing, supply the annexation area with sufficient

water supply and pressure. No additional upgrades to the Town's water system will be required to support this annexation.

## Sewer

A sewage pump station and a 3" force main were designed under the Site development of Rosewick Crossing to supply that site as well as the Jennings property. These improvements are adequately sized to include development on the Johel property, with an upgrade to the pump and generator at the pump station. The force main was designed to convey the wastewater from the pump station to an existing Manhole located on Lelia Court just south of Heritage Green Parkway. Additional upgrades were provided at the Mary Ball pump station, and an existing pump station at Hawthorne Green was taken offline, in favor of a new gravity sewer system. No additional upgrades of the Town's sewer system lines will be required to support this annexation. The Town's wastewater treatment plant has adequate capacity and treatment capability to accommodate sewage flows projected to be generated as a result of the proposed annexation and development, and no upgrades will be required.

## **Extension of Municipal Services**

Municipal services such as Police protection, trash collection and general public works will be available to the annexed area if and when the property is annexed. These services are either paid with revenue from real estate taxes or by user fees.

The extension of water and sewer services is feasible and will be available when connections are made to the Town's infrastructure. Water lines will have to be extended and sewer lines will have to be built on site. Typically the Town requires the petitioner or developer to design, permit, install, and finance water and sewer improvements.

The Petitioner has provided preliminary water and sewer concept plans. The concept plan shows water and sewer connections to the parcel immediately to the north, which is owned by the proposed developer, and within the existing corporate limits of the Town.

## **Initial Mitigation Plans by the Developer**

The Petitioner has represented to the Town Council that it will install needed infrastructure to mitigate the impacts of its development. These offers would be guaranteed to the Town through an Annexation Agreement between the petitioners and the Town.

The Petitioner has initially offered that it will accommodate the infrastructure needs. There are no additional water capacity needs projected for this petition.

The existing sewage collection system can accommodate the flow that will be created by the proposed annexation.

The Town has stringent development guidelines for commercial structures. The Petitioner has offered to meet and exceed those guidelines. Buildings located within the development area will seek either, USGBC LEED Certification, or be constructed in compliance with ASHRAE 189.1.