

## **Request for Reconsideration of Zoning Amendment – Inclusion of 4070 Ray Drive in the Light Industrial Zone**

September 2, 2024

Charles County Planning Commission  
Charles County Government  
200 Baltimore Street  
La Plata, MD 20646

Re: ZTA23-176 and ZMA34

Subject: Request for Reconsideration of Zoning Amendment – Inclusion of 4070 Ray Drive in the Light Industrial Zone Overlay

Dear Members of the Planning Commission,

I am writing to formally request the reconsideration of the current “Amended 2024 Proposal” by Commissioner Bowling that excludes the 1.9989 acres of property known as Tomar Trucking Inc located at 4070 Ray Drive, Parcel 10, from the Light Industrial zone and remain in the WCD.

Tomar Trucking Inc was established in March 1987 and became a corporation in 1992. Prior to relocating to Ray Drive, a home base business was operated at 8420 Warren Drive, Pomfret, MD. Tomar Trucking Inc purchased 1.9989 acres of Industrial (IG) zoned property in September 2002 for Commercial Use and was assured by Zakary Krebeck, Acting Planning Director that this property was zoned IG and met all county specifications of the county zoning office (re. ltr dated August 5, 2004). Tomar Trucking Inc has been operating at 4070 Ray Drive La Plata, Md 20646 continuously as a commercial business since 2005. We have made significant investments to align our operations with both economic and environmental goals. The exclusion of our property from the Light Industrial zone is both inconsistent with the surrounding zoning decisions and detrimental to our business and the local community.

### **Inconsistency in Zoning Decisions**

The exclusion of Tomar Trucking Inc property stands in stark contrast to the zoning decisions made for the neighboring properties on Ray Drive. In the initial “Proposed 2023” Zoning Map, all properties along Ray Drive, including Tomar Trucking Inc, were part of the Watershed District. However, recognizing the nature of business operations in this area, the 2024 Planning Commission’s First “Amended 2024 Proposal” Map included property and the surrounding businesses in the Light Industrial zone, Tomar Trucking Inc is represented

by a small orange "sliver" (also referred to as "stand alone") Northwest of Ray Drive shown on the map.

This inclusion was based on the consistent criteria used for zoning in the area, acknowledging our property's commercial use, infrastructure investments, and alignment with the county's development goals. Despite this, the subsequent "Amended 2024 Proposal" by Commissioner Bowling singled out Tomar Trucking Inc's property for exclusion from the Light Industrial zone, while leaving neighboring properties with similar characteristics and operations within the zone. Commissioner Bowling's decision lacks clear justification and raises concerns about the fairness and transparency of the zoning process. His sanctimonious and persistent desire to control economic growth by restricting a small family-owned minority business that has been operating in Charles County for 37 years is quite egregious. Commissioner Bowling has a responsibility to explain his rationale for the current "Amended 2024 Proposal" and IG zoning.

### **Environmental Responsibility and Investments**

We have taken substantial steps to ensure that our operations are environmentally responsible. A comprehensive Stormwater Management system (SWM) was installed, designed to protect the watershed and surrounding environment. The Storm Water Management is a complex system of pipes, inlets, outlets, ditches, swales, junctions' boxes, grading, aggregate materials, plantings, and a retention pond. Currently, in the event of a flood, the retention pond drains into a drainage ditch flowing north on Ray Drive crossing route 227 Pomfret Road less than ½ mile from the Livingston Road intersection. There is no direct impact to the Mattawoman Creek. The Grading specification included, but not limited to, the removal of original soil and replacing the soil with compacted Bank Run to a depth of 4 feet (several hundred dump truck loads of dirt hauled). This included the location of the 40' by 80' commercial metal building (its surrounding area) and the complete parking lot area housing all vehicles (commercial and private). Our commitment to environmental stewardship aligns with the county's broader commercial use goals of balancing development with environmental protection.

The data presented during the Planning Board's discussions, as documented in the Staff Report and supported by the Environmental Impact Analysis from the March 5th, 2024, meeting, confirmed that the inclusion of our property in the Light Industrial zone would not pose a significant environmental risk, given the infrastructure we have in place. The fact that Tomar Trucking Inc property was initially included in the Light Industrial zone on the Planning Commission's First "Amended 2024 Proposal" Map underscores that our operations are currently compatible with the environmental goals of the county.

### **Economic Impact on Our Business and the Community**

Tomar Trucking has been a long-standing contributor to the local economy, providing employment opportunities and supporting other businesses in the area. The exclusion of our property from the Light Industrial zone would significantly reduce its value and hinder

our ability to continue operating effectively. This decision would not only impact our business but also have broader economic repercussions for the community.

The Planning Commission's Recommendations and the economic data presented in the PowerPoint Presentation during the July 9th, 2024, meeting clearly demonstrated that supporting businesses like ours within the Light Industrial zone is crucial for maintaining economic growth and stability in the area. In addition, the Planning Commission in conjunction with Economic Development recognized the existing operating commercial businesses; recommended that they be grandfathered and remain in the initial proposal as part of the Light Industrial zoning. By excluding Tomar Trucking Inc.'s property, the county risks undermining these economic benefits, leading to potential job losses and reduced economic activity in the region.

### **Conclusion**

We respectfully request that the Planning Commission reconsider the current "Amended 2024 Proposal" and include Tomar Trucking Inc.'s property at 4070 Ray Drive in the Light Industrial zone overlay. This inclusion is essential not only for the continued success of our business but also for maintaining the consistency, fairness, and economic vitality of the county's zoning decisions.

We appreciate your attention to this matter and look forward to your favorable consideration.

Sincerely,

Mary E Proctor  
Previous owner and CEO  
Tomar Trucking Inc  
4070 Ray Drive  
La Plata, MD 20646