



Charles County Planning Commission Meeting of April 3, 2023

Department of Planning and Growth Management Staff Report

**Standards and Procedures for Approval of Amendments to Master Plans
and/or Conditions of Zoning Approval for Planned Development Zones**

ZTA #22-175

Applicant: Mark Vogel Companies, Inc.

**Prepared by:
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For questions, contact the Planning Division at 301-645-0681

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I. BACKGROUND

The Charles County Zoning Ordinance, Article VII contains provisions for the establishment of five (5) types of Planned Development Overlay Zones in the County, specifically the Planned Residential Development (PRD), Mixed Use Development (MX), Planned Employment and Industrial Park (PEP), Transit Oriented Development (TOD) and Planned Manufactured Home Park (PMH) zones. In accordance with § 297-101 of the Zoning Ordinance, the objectives of the County's Planned Development Zones, are:

- (1) To encourage innovative and creative design of residential, commercial and industrial development; and*
- (2) To provide a broad range of housing and economic opportunities to present and future residents of the County consistent with the Charles County Comprehensive Plan.*

The planned development process establishes density and intensity of uses, which require approval by the County Commissioners. Prior to 2010, the Zoning Ordinance required two separate zoning approvals in order to develop property within a Planned Development Zone: Master Plan (approved during the initial rezoning) and General Development Plan (approved subsequent to the Master Plan). Through the adoption of Bill No. 2010-06, the zoning approval process was streamlined by, amongst other things, removing the need for a General Development Plan.

Additionally, a draft version of Bill No. 2010-06 included a provision that allowed the Planning Commission to approve limited modifications to an approved Master Plan. The draft language was as follows:

Once approved by the County Commissioners, the master plan design may be amended, with approval of the Planning Commission, if the project:

- (1) Remains in conformance with the conditions of the zoning approval;*
- (2) Is in substantial conformance with the original approved master plan; and*
- (3) Does not increase the number of residential development units or square footage of nonresidential development.*

During the legal review of draft Bill No. 2010-06, the text was modified and as a result, the reference to "Planning Commission" was replaced with "County Commissioners."

Bill 2010-06 was adopted by the County Commissioners on April 13, 2010. Therefore, § 297-104.A. of the County's Zoning Ordinance reads, in pertinent part, as follows:

Once approved by the County Commissioners, the master plan design may be amended, with approval of the County Commissioners, if the project:

- (1) Remains in conformance with the conditions of the zoning approval;*
- (2) Is in substantial conformance with the original approved master plan; and*
- (3) Does not increase the number of residential development units or square footage of nonresidential development.*

However, the language of § 297-104.A., as adopted, limits the scope of changes that can be made to an approved Master Plan.

II. REQUESTED AMENDMENT

A Zoning Text Amendment (ZTA) application was filed by Soltesz, Co. on behalf of Mark Vogel Companies, Inc (see Appendix 1). The proposed ZTA, as originally filed, sought to accomplish two things:

1. Broaden a property owner's ability to amend an approved Master Plan by removing the criteria found in § 297-104.A, (1) thru (3), and replacing it with other criteria requiring a justification of the request;
2. Clarify that applications for Master Plan amendments could be filed at any time.

However, upon a thorough review of the proposed language and the applicant's justification for the ZTA, the Planning Staff raised some concerns that the proposed language was equally as limiting.

As a result, changes were recommended by the Planning Staff and the applicant has concurred with them. An updated version of the ZTA is attached (see Appendix 2).

III. APPLICANT JUSTIFICATION

The Applicant, Mark Vogel Companies, Inc., submitted a "Rationale for the Request" within their ZTA application dated December 2022 (see Appendix 1). In essence, the Applicant argues that the proposed ZTA allows the necessary flexibility to react/respond to a dynamic economic environment, which includes careful consideration of changing market trends that reflect new consumer preferences. Without this flexibility, the underlying objectives of Planned Development Zones cannot be achieved.

IV. STAFF ANALYSIS

With respect to the Applicant's proposal and justification to modify the approval process to broaden the ability of the Commissioners to amend an approved Master Plan, County staff offers the following findings for the Planning Commission's consideration:

1. County staff concurs with the Applicant's assertion that the proposed ZTA (in its current form) is consistent with the objectives for Planned Development in 297-101 A, noted above, and would extend the flexibility currently applied to the approval of a Planned Development Zone Master Plan to the consideration of amendments to Master Plans. It would remove the restriction in the current Code that unnecessarily limits the scope of amendments that can be presented for approval.
2. With respect to consistency with the Downtown Waldorf Vision Plan, County staff concurs with the Applicant's assertion that allowing the submittal of requests for Master Plan amendments (for those projects within the vicinity of the Waldorf Urban Redevelopment Corridor) will support the goals of the Vision Plan by recognizing the value of responsiveness to change over time.
3. With respect to consistency with the Opportunity Zone Designation, County staff concurs with the Applicant's assertion that allowing the submittal of requests for Master Plan amendments (for those projects within the designated Opportunity Zone) will enable timely responses to changing markets, and support investment in existing and future planned development zone projects.

4. With respect to the 2016 Comprehensive Plan, County staff concurs that the Applicant's assertion that the ZTA will promote development of existing Planned Developments, such as the Waldorf Technology Park, specifically referenced by the Applicant, by allowing flexibility within the Planned Development Zones.
5. Additionally, County staff concurs with the Applicant's assertion that the proposed ZTA will support the 2016 Comprehensive Plan, Chapter 7 (Economic Development), Action #3 ("recommended to support and augment the County's ability to attract high-quality jobs and talent"), which states, "Maintain flexibility in land use and location decision making to accommodate any significant economic opportunity that may arise" (p. 7-12). The Applicant asserts that the proposed ZTA supports this Action plan by removing restrictions to the process by which Master Plans may be amended, consistent with the emphasis on "flexibility" in site design.

V. CONCLUSIONS & RECOMMENDATIONS

As stated above, the Planning staff has evaluated the Applicant's rationale and justification for ZTA #22-175. Based upon the stated goals of the Planned Development Zones together with the revisions proffered by staff (and agreed to by the Applicant), Planning staff recommends approval of ZTA 22-175 as it appears in Appendix 2.

VI. APPENDICES

The following items associated with the application are attached and have been uploaded for your review and consideration:

1. Application for Zoning Text Amendment (ZTA #22-175) dated December 2022, including Summary of the Request & Proposed Amendment Language, Rationale for the Request & Justification for Adoption, Property Maps and Appendices—Submitted by Soltesz, Co.
2. Draft Bill: Modification to Standards and Procedures for Approval of Amendments to Master Plans and/or Conditions of Zoning Approval for Planned Development Zones (with inclusion of staff suggestions as accepted by the Applicant).