

**APPLICATION FOR A
ZONING TEXT AMENDMENT**

DECEMBER 2022

PREPARED FOR:
MARK VOGEL COMPANIES, INC.
760 CRANDELL ROAD, SUITE 102
WEST RIVER, MD 20778

PREPARED BY:
SOLTESZ, INC.
401 POST OFFICE RD. SUITE 103
WALDORF, MD 20602

ZONING TEXT AMENDMENT APPLICATION

TABLE OF CONTENTS

1. Application for a Zoning Text Amendment
2. Summary of the Request & Proposed Amendment Language
3. Rationale for the Request & Justification for Adoption
4. Property Maps
 - Charles County Development Districts Map
 - 2016 Comprehensive Land Use Map (as adopted 10/19/21)
 - MD Department of Housing & Community Development Opportunity Zone Location Map
5. Appendices
 - Excerpt from the Zoning ordinance, Chapter 297-104, Existing Zoning Text

Application for Zoning Text Amendment

Charles County Planning & Growth Management
Planning Division
P.O. Box 2150
La Plata, Maryland 20646

For Office Use Only

ZTA #

Date Submitted

Fees Paid

Staff Initials

Mark Vogel Companies, INC. (301) - 651 - 2006

Applicant's Name

760 Crandell Rd., Suite 102 West River, MD. 20778

Address

C/O Soltesz INC. 401 Post Office Rd., Suite 103 Waldorf, MD. 20602

Cathy Flerage

(301) - 870 - 2166

Contact Person

Daytime Phone Number

The new text to be added and the existing text, if any, to be deleted or amended: (Attach additional pages if necessary)

Please see section one - "Summary of the Request"

The specific reason why such a text amendment is necessary and should be approved by the County Commissioners:

Please see section two - "Rationale for the Request"

Cathy Flerage (Agent)

Applicant's Signature

12/13/22

Date

ZONING TEXT AMENDMENT APPLICATION

THE REQUESTED AMENDMENTS

Introduction

This request for a Zoning Text Amendment (ZTA) proposes to modify the current *Charles County Zoning Ordinance* by revising the standards for approval of Amendments to Planned Development Zone Master Plans. The intent of the proposed ZTA is to allow for greater flexibility in site design, and greater responsiveness to market and consumer trends, over time. The amendments to the Zoning Ordinance proposed herein represent a timely refinement that will enable more successful implementation of the County's current goals and objectives for all Planned Development Zones, and Mixed-Use developments in particular.

Since the original adoption of the MX Planned Development Zone standards in 2006, four significant legislative actions have taken place – adoption of the Downtown Waldorf Vision Plan & Design Guidelines in 2010, adoption of a ten-year cyclical update to the Comprehensive Plan in 2016, and designation of the *Waldorf Urban Redevelopment Corridor* as a Federal Opportunity Zone in 2018. Most recently, adoption of Bill #21-163 in January of 2022 amended portions of the Zoning Ordinance related to building setbacks, buffer yards, building height, and Use distribution in Mixed Use Zones. The current ZTA request is consistent with the previous legislation and meets the intent and objectives of the Planned Development Zones.

Proposed Amendment Language

In accordance with the procedures outlined in *Chapter 297-447C(1)* of the *Zoning Ordinance*, an application for a Zoning Text Amendment (ZTA) must include a description of the proposed changes, i.e., any new text to be added or any existing text to be deleted or amended. This ZTA application proposes changes to the language found within the current *Zoning Ordinance, Article VII, Planned Development Zones*. Specifically, the ZTA would revise, refine, and clarify the process by which an Applicant may file a request to amend an approved Planned Development Zone Master Plan. The proposed requirements for submittal of an Amendment would replace those currently found in *Chapter 297-104 A (1-3)*, as follows:

Text to be deleted from the Code -

[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.]*

Text to be added to the Code -

ONCE APPROVED BY THE COUNTY COMMISSIONERS, THE MASTER PLAN DESIGN MAY ONLY BE AMENDED WITH THE APPROVAL OF THE COUNTY COMMISSIONERS. AN APPLICATION FOR A MASTER PLAN AMENDMENT MAY BE FILED WITH THE ZONING OFFICER AT ANY TIME.

THE APPLICATION MUST INCLUDE A SUMMARY OF THE PROPOSED CHANGES OR DEVIATIONS FROM THE APPROVED MASTER PLAN OR THE CONDITIONS OF ZONING APPROVAL, AND A STATEMENT OF JUSTIFICATION FOR THE REQUEST, INCLUDING THE SPECIFIC REASONS WHY THE AMENDMENT IS NECESSARY, HOW IT WILL BE OF BENEFIT TO THE COUNTY AND WHY IT SHOULD BE APPROVED.

The next section of the application will demonstrate why the proposed amendment is necessary and how adoption of the ZTA will benefit the County and facilitate economic development within designated Planned Development Zones.

ZONING TEXT AMENDMENT APPLICATION

RATIONALE FOR THE REQUEST

Introduction

Per *Chapter 297-447C (2) of the Zoning Ordinance*, an application for a ZTA must include a narrative which describes the rationale for the request and the justification for adoption of the amended language. This request for a ZTA is consistent with the objectives for Planned Development, as described in Chapter 297-101 A. of the Zoning Ordinance, with the 2016 Comprehensive Land Use Plan, and with the implementation of the Federal Opportunity Zone initiative. The analysis of consistency with the relevant County land use plans provided herein will demonstrate that adoption of the requested ZTA will benefit the County by:

- supporting innovative and creative design of residential, commercial, and industrial development, by allowing flexibility in development standards.
- advancing the initiatives of the Economic Development Department's five-year strategic plan, and
- facilitating investment in the Opportunity Zone program.

Consistency with Chapter 297-101- Planned Development Zone Objectives

The purpose of a Planned Development Zone is to foster creative approaches and unique design solutions through the application of site-specific design standards and approval of a Master Plan. In addition, the Planned Development Zones:

- a. Promote the development and provide locations for qualified "target" industries as designated by the Charles County Economic Development Department (Goal A.11)
- b. Provide a broad range of housing and economic opportunities to present and future residents of the County, including higher-density residential uses integrated into multi-use projects (Goal A.13)
- c. Allow for the integration of different types of uses within the same development in a way that achieves overall harmony and promotes a lively, dynamic environment (Goal A. 16)
- d. Foster prosperous and viable communities that are of superior design and structural quality which will result in property values that are sustainable over time. (Goal A.20)

The proposed ZTA would extend the flexibility currently applied to the approval of a Planned Development Zone Master Plan to the consideration of Amendments to Master Plans. The requested change would remove the restrictions in the current Code that severely limit the type and scope of Amendments that can be presented for approval. If adopted, the ZTA would allow an Applicant to submit a request for an Amendment at any time, based on their assessment of the continuing evolution of their project, changing market trends, or new consumer preferences. A Master Plan Amendment request may propose to deviate from or revise the original conditions of PDZA approval or the original master plan, as the Applicant determines is needed, to augment project sustainability and

potential for success. The burden of proof, and provision of adequate justification for granting the request falls upon the Applicant, at their own expense and risk. As proposed, the revised language of *Chapter 297-104 A.* will facilitate strategic refinements to implementation of Planned Development Zones in the County.

There is a pressing need in Charles County for more high-density (multi-family) housing, especially in proximity to designated employment centers like the Opportunity Zones. The proposed ZTA would allow for Planned Development Zones to be more fluid and responsive to market trends, changing to be more reflective of what future residents or tenants value most. The ability to choose from a variety of affordable housing options would attract future residents, which would translate to a larger workforce, which would in turn spur business development and financial investment in Charles County.

Consistency with the 2016 Comprehensive Plan

The *2016 Comprehensive Land Use Plan* designated specific areas of the County as “Employment and Industrial Park Districts” and “Mixed Use Districts”, for the purpose of promoting integrated development of high-density residential, business, and employment uses on pedestrian and transit friendly sites. In downtown Waldorf, these areas form an important component of on-going planning efforts for US Route 301, and for development within the Transit Corridor and the Waldorf Urban Redevelopment Corridor (WURC). The Federal Opportunity Zone encompasses most of Waldorf.

On page 6 of Chapter 7 (Economic Development) of the *2016 Comprehensive Plan*, the Waldorf Technology Park, which was designated as a Mixed Use District in 2013, is identified as a “development ready site”. As defined by the Economic Development Department (EDD), a development ready site is “*a parcel of property for sale or lease with a published price, and with the entire necessary infrastructure in place, and with the size and capacities that would attract appropriate investment.*” While there is considerable acreage in the County that is zoned for employment-supporting uses, few sites have the acreage and the necessary infrastructure in place to attract immediate private investment on a large scale. For this reason, actions that promote development of existing planned developments are essential to support business attraction, retention, and economic growth.

On page 10 of Chapter 7, the EDD established *Action #3*, which states, “*Maintain flexibility in land use and location decision making to accommodate any significant economic opportunity that may arise.*” This planned course of action is a clear and direct statement of support for the elimination of unnecessary barriers that could slow investment in Planned Development Zones. 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.

Consistency with the Downtown Waldorf Vision Plan

The Vision Plan established the framework for new land use regulations that would implement development of an urban-scaled community and bring an identifiable sense of place to the Development District of Waldorf. To accomplish that, the Vision Plan set several planning goals, which include:

- a. Establish a well-balanced mix of uses including commercial, service, residential, institutional, and recreational.
- b. Create urban districts which are lively 18 hours per day through the mix of uses.
- c. Establish design standards that will result in high quality architecture and site design

The Vision Plan also describes some of the challenges to achieving those goals. The Plan notes on page 13 that historically, the planned development districts in the County have remained “suburban” in form and have not represented or reflected the high level of intensity or density that is desired.

Further justification for the ZTA may be found in *Chapter 297-109D* of the *Zoning Ordinance*. In this section of the Code, guidance is provided for future planned development zone applications that involve properties within the area included in the Downtown Waldorf Vision Plan. As noted in *Chapter 297-109D*, such development shall conform to the Downtown Waldorf Design Guidelines so that “*the proposed development may be integrated into and be consistent with the character desired for Downtown Waldorf*”. Amendment of the Code to allow the submittal of requests for Master Plan Amendments will support the outcomes conceived by the Vision Plan, by recognizing the value of responsiveness to change over time.

Consistency with the Opportunity Zone Designation

The Opportunity Zone program has its origins in a nationwide initiative created under the 2017 Tax Cuts and Jobs Act, which provides federal tax incentives for investment in the selected communities. The Charles County Economic Development Department (EDD) recommended three census tracts for the program, which were designated as Opportunity Zones in April of 2018. The Waldorf Urban Revitalization Corridor was one of the three, in line with the EDD’s five-year economic development strategic plan.

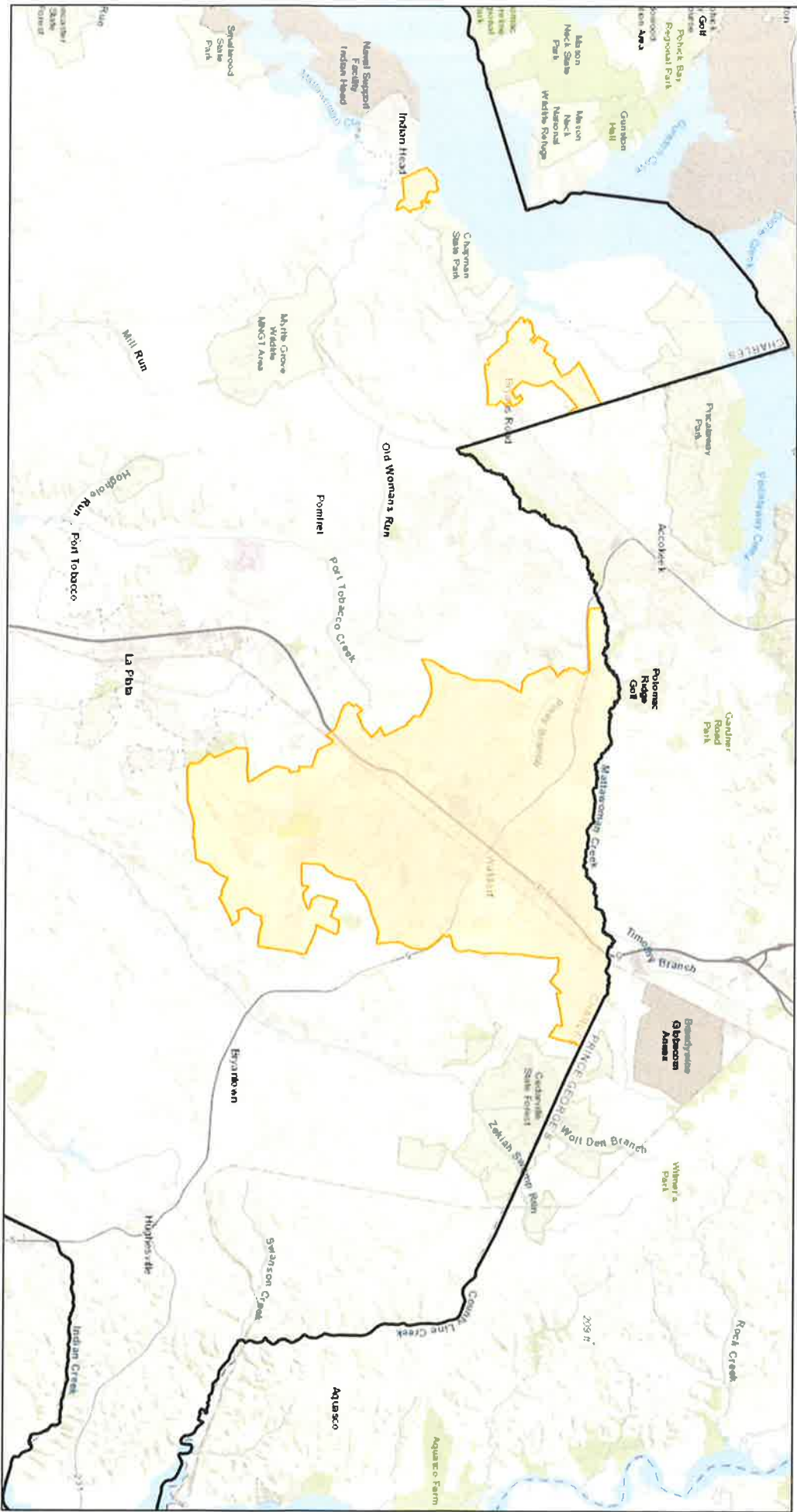
One of the EDD’s top priorities is to identify tools that can be utilized to encourage and facilitate investment in the identified markets. One such tool is the Zoning Text Amendment. Adoption of the requested ZTA will enable timely responses to changing markets, and support investment in existing and future planned development zone projects.

Conclusion

Granting this request for a Zoning Text Amendment would benefit Charles County's economy and its citizens, by implementing changes to the *Zoning Ordinance* that support

development of transit and pedestrian friendly planned communities as described in the *Vision Plan for Downtown Waldorf*. If adopted, the amendments would encourage investment in small businesses and real estate within designated Planned Development Zones, improving communities and quality of life for County residents. The proposed changes to the *Zoning Ordinance* would enable progress toward realization of that goal.

Charles County Development Districts Map



12/13/2022, 11:23:34 AM
Override 1

Charles County Boundary

M-NCPPC, VITA, Est. HERE, Garmin, USGS, EPA, USDA, NPS
EPA, USDA, NPS

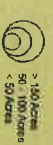
COMPREHENSIVE PLAN



CHARLES COUNTY
M A R Y L A N D

LEGEND

- Development District
- Residential
- Watershed Conservation District
- Employment & Industrial Park Districts
- Commercial & Business Districts
- Mixed Use Districts
- Redevelopment District
- Suburban Large Lot District
- Rural Residential
- Agriculture Conservation District
- Rural Conservation District
- Incorporated Towns
- Incorporated Town Growth Areas
- Transit Corridor
- Protected Lands
- Major Stream Valleys
- Military or Federally Owned Lands
- Chesapeake Bay Critical Area
- Villages
- Residential
- Commercial
- Mixed Residential & Commercial

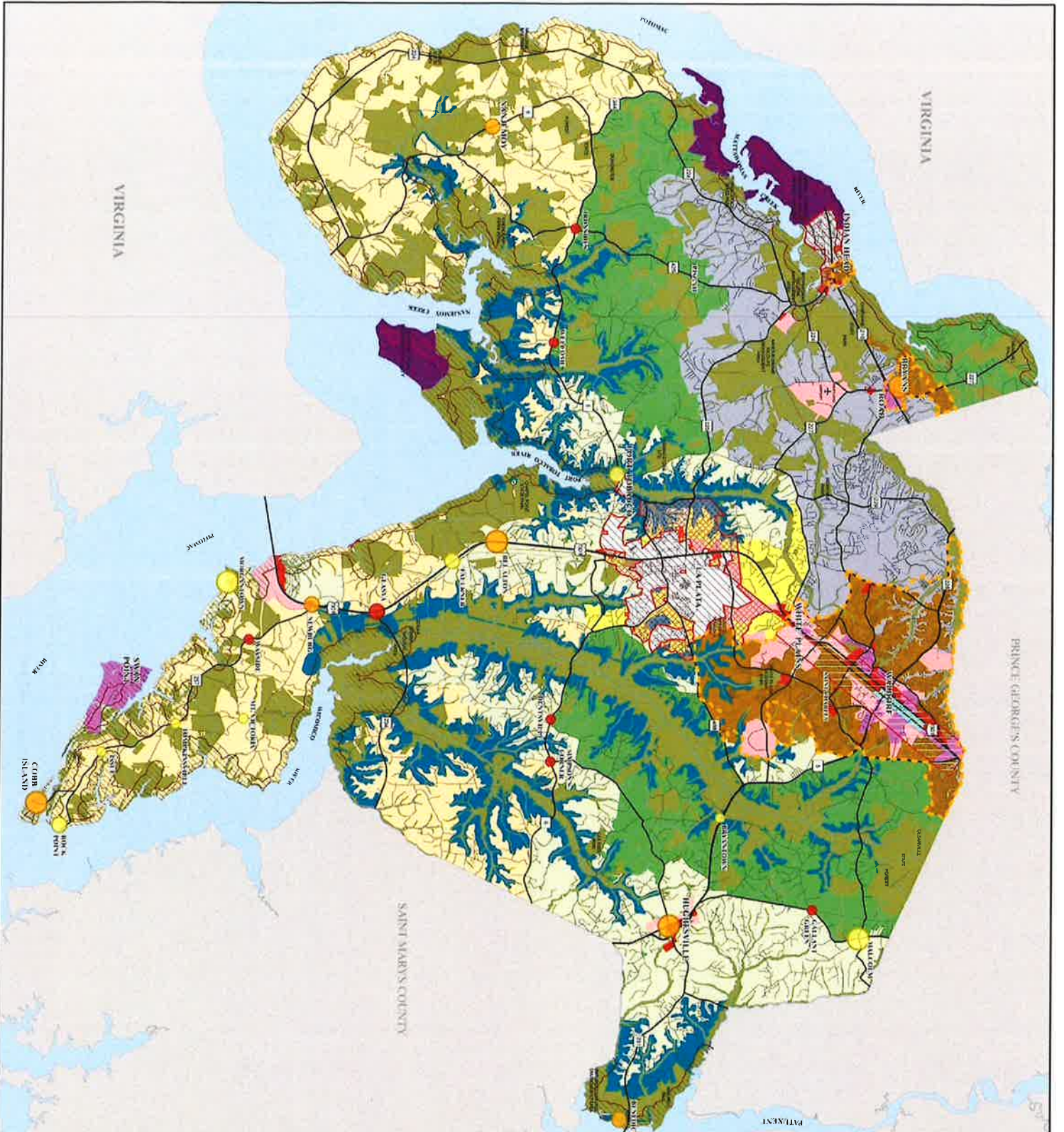


LAND USE PLAN

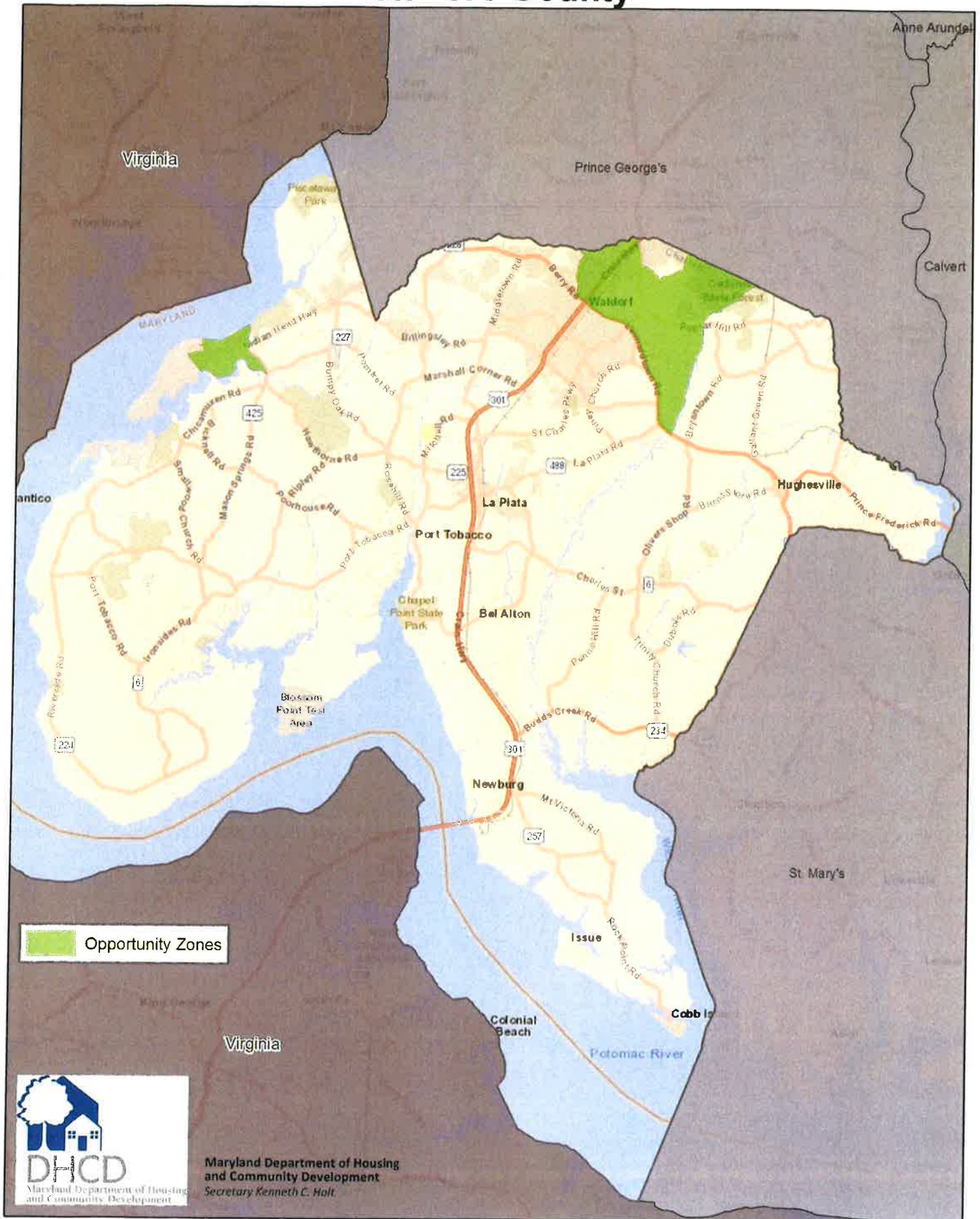
OCTOBER 19, 2021



CHARLES COUNTY
DEPARTMENT OF PLANNING
AND GROWTH MANAGEMENT



Maryland Opportunity Zones Charles County



Chapter 297. Zoning Regulations

Article VII. Planned Development Zone Regulations

§ 297-104. Approval.

- A. In order to approve a planned development zone, the County Commissioners must find that the proposed project, with its master plan, is sufficient to achieve the purposes of the zone requested, is compatible with the surrounding area and is consistent with the Comprehensive Plan. The specific maximum density is determined by use of **Figure V-1**, maximum residential densities (dwelling units per acre) in Article **V** of this chapter.^[1] Intensity (square feet) for the project shall be specified in the application and is to be approved by the County Commissioners in the grant of zoning approval based on the master plan. 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.

[1] *Editor's Note: **Figure V-1** is included as an attachment to this chapter.*

- B. The approval of a planned development zone shall establish:

- (1) The proportional mix of dwelling units by type when residential development is allowed.
- (2) Special conditions to be satisfied during the development process, including but not limited to the timing of construction, on-site and off-site infrastructure improvements, buffering, typical architectural elevations, design and development codes, infrastructure plans, environmental standards or requirements and fiscal impact limitations.

- C. Any residential density granted by the County Commissioners greater than the base zone density, in combination with the affordable housing density bonus (per **Figure V-1** in Article **V** of this chapter), must be achieved only through the transfer of development rights as set forth in Article **XVII**.^[2]

[2] *Editor's Note: **Figure V-1** is included as an attachment to this chapter.*

- D. For any project to be built in phases, the applicant shall, once the project is approved, provide a narrative with the current accounting status of the approved planned development zone's progress at the time of each preliminary plan and/or site plan application. In this narrative, the applicant shall demonstrate that all criteria and conditions for development are being monitored. The narrative shall also include:

- (1) The uses completed in terms of density (number of units) and/or intensity (square feet);
- (2) The uses approved but not completed;
- (3) The uses proposed in the application being submitted; and
- (4) The uses planned in the future.