



Charles County Planning Commission

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Kevin Wedding
Chair

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Secretary

Planning Commission Report to the County Commissioners

The Villages at Swan Point

Amendment to Indenture - Docket 250 dated April 9, 2010

Summary:

On behalf of the applicant Swan Point Development Company, LLC, David Martinez of Jenkins Law Firm, LLC is requesting amendments (known as The Villages at Swan Point, Docket 250(3)) to the approved Zoning Indenture for the Villages at Swan Point located within the Waterfront Planned Community (WPC) Zone, as shown in the attached [Proposed Amended and Restated Indenture – Docket 250](#). The applicant is requesting these amendments to reflect their current plans for the community and to account for changes that have occurred over the past decade.

Public Hearing:

On [July 17, 2023](#), the Planning Commission held a Public Hearing on the proposed amendments. At the hearing, five (5) individuals voiced comments. These verbal comments included opposition to the proposed amendment and concerns regarding changes to the approved amenities, ownership and access to the shoreline, uses of the terms “incidental”, “community” and “view corridor” in the current Indenture – Docket 250, adequacy and review of future improvements to Swan Point Road, the use of timeshares, adequate provision of emergency services, and the potential for a future bike trail nearby. During the Public Hearing, part of the discussion revolved around public access to the restored shoreline. This public access has been described in two documents separate from the subject Docket 250 Zoning Indenture, which are a Memorandum of Agreement and a Shoreline Access Easement Agreement for the Villages of Swan Point. At the conclusion of the Public Hearing, the record was left open for thirty (30) days. The record was closed on August 17, 2023.

During the open record period, the Planning Commission received 11 sets of written comments from members of the public, including a petition. The applicant also submitted a memo to the Planning Commission summarizing the rationale for the proposed changes, and a written response to comments from the Public Hearing. The public comments and the submittals from the applicant were provided to the Planning Commission for their consideration. In summary, the written public comments included references to concerns with raising the roadway, the need for review of roadway improvements by the Army Corps of Engineers, changes to the transportation improvements, adherence to strategies in the 2015 NSF Dahlgren Joint Land use study, the use of timeshares, a need for the prior conditions to be followed, and flooding. The applicant’s response notes that there are no modifications to the number of approved dwelling units, there is no proposal to modify access to the restored shoreline, and any road construction on Swan Point Boulevard will be subject to the Charles County permitting process and stormwater management requirements.

Work Session:

On [October 16, 2023](#), the Planning held a Work Session to discuss the subject application. As part of the discussion, the Planning Commission inquired with the applicant if the existing swimming pool in Swan Point was being relocated and if another pool was being built. The applicant advised that the existing pool is to remain in operation, and that it is proposed that another pool is not constructed, although additional pools may be constructed in the future. The Planning Commission also asked about public beach access, and the applicant responded that public beach access is governed by other documents, specifically an existing agreement and easement. The Planning Commission questioned whether the “11th phase” (noted in the proposed Amendment as the timing of the construction of certain improvements) was an arbitrary designation. The applicant advised that in accordance with an Adequate Public Facilities agreement, the 11th phase was the suggested timing for other improvements and would now include these proposed improvements. Planning staff clarified that the 11th Phase would correspond to a specific number of dwelling units and nonresidential square footage in accordance with approved Traffic Impact Studies. The Planning Commission also asked how impacts to roads and infrastructure were addressed and the applicant advised that an Adequate Public Facilities study was done to determine the improvements required. The Planning Commission expressed concern with the trigger for new amenities and Planning staff advised that a condition of the current Docket 250 Indenture is that the Petitioner shall meet or exceed the recreational amenities required to be provided in the Charles County Zoning Ordinance for cluster developments on public Water and Sewer Service at the time of preliminary plan approval.

Recommendation:

On [October 16, 2023](#), after the conclusion of the Work Session, the Planning Commission found the proposed amendments to Docket 250 consistent to the purpose, uses, and requirements found in the Zoning Ordinance for the Waterfront Planned Community Zone and voted unanimously of those present to forward to the County Commissioners a recommendation of approval of The Villages at Swan Point, Docket 250(3), Amendment to Indenture.

Kevin B. Wedding

[Kevin B. Wedding \(Oct 28, 2023 11:37 EDT\)](#)

Kevin Wedding, Chair