



Charles County Commissioners Meeting of October 29, 2024

Department of Planning and Growth Management Staff Report

Project Name: ABP Aviation Business Park District

ZTA #23-176 / Bill #2024-07

ZMA #23-02 / Bill #2024-08

**Type of Project: Zoning Text Amendment (ZTA) and Zoning Map
Amendment (ZMA)**

Public Hearing

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BACKGROUND

Established in 1943, the Maryland Airport is a privately owned, general aviation airport located in western Charles County that provides charter service. The Maryland Airport is considered an important economic asset for the County. According to the Charles County Economic Development Department (EDD) report entitled, “Current Conditions and Economic Assessment of Bryans Road” (April 2020), the area surrounding the Maryland Airport could support considerable employment supporting development over the next twenty to thirty years, with the potential to provide jobs and increase the County’s commercial tax base. The airport has completed several improvements with the assistance of federal and state funding, including a new runway that was constructed in 2013.

In 2017, approximately 565 acres of land surrounding the Maryland Airport were rezoned from General Industrial (IG) and Business Park (BP) to Watershed Conservation District (WCD), significantly restricting the potential for economic development in areas of proximity to the airport. Since that time, the Economic Development Department has received inquiries and interest from various investors who are interested in locating near the airport. In 2018 the Maryland Airport property was acquired by a new owner, who has continued to invest in improvements to the airport. There has been an increase in operations at the airport since their purchase.

On October 19, 2021, the County Commissioners adopted Resolution # 2021-26 which officially amended the County’s 2016 Comprehensive Plan to change the land use designation for this area from Watershed Conservation District to Employment and Industrial District. The adoption of this amendment to the 2016 Comprehensive Plan allows the County to proceed with the proposed ABP rezoning now under consideration. Rezoning is required to allow businesses that would be compatible and synergistic with a general aviation airport to locate to the area.

PROPOSED AMENDMENTS

General Description of the Amendments: Bill #2024-07 / Zoning Text Amendment (ZTA) #23-176 would revise the Charles County Zoning Ordinance to add provisions and requirements for the new Aviation Business Park (ABP) Zone. Bill #2024-08 / Zoning Map Amendment (ZMA) #23-02 would amend the Charles County Zoning Maps to rezone properties surrounding the airport to the new ABP Zone. The amendments are described in more detail below.

Bill #2024-07 / Zoning Text Amendment (ZTA) #23-176:

Definitions and Interpretations (Article III, Section 297-49): The ZTA adds a definition for a new use, Aircraft Maintenance, which is one of the uses that would be permitted in the ABP Zone. This is one of the targeted uses for this zone that is considered compatible with a general aviation airport.

Table of Permissible Uses (Figure IV-1) and the Uses Corresponding with Table of Permissible Uses (Section 297-212): The ZTA establishes the uses that would be permitted in the ABP Zone in the Table of Permissible Uses (Figure IV-1), which is an Attachment to the Charles County Zoning Ordinance that displays which uses are permitted in the various Zones of the County. The uses

proposed to be permitted in the ABP Zone are those that would be compatible with a general aviation airport, such as research and development, aircraft maintenance and avionics, office and flex space, light industrial uses, and food and beverage uses. The ZTA also amends § 297-212, a section of Article XIII of the Zoning Ordinance, to establish minimum requirements for applicable permitted uses in the ABP Zone. The ZTA further adds a new use code for the Aircraft Maintenance use to the Table of Permissible Uses.

Article VI, Base Zone Regulations, Section 297-91, Commercial Zones. The ZTA establishes the new base zoning district, the ABP Zone, in § 297-91, Commercial Zones. This section of the Ordinance provides the objectives of the ABP Zone in § 297-91.A5., specifies that all development in this new zone must comply with site design and architectural review ("SDAR") in § 297-91.E, and codifies minimum lot, yard, and other standards for development for this zone in Figure VI-5, Schedule of Zone Regulations for Commercial Zones.

The following are additional supporting amendments to other applicable sections of the Zoning Ordinance:

- Establishment of noise standards for the ABP Zone in § 297-32;
- Modifications to prohibit the establishment of Planned Development Zones in the ABP Zone in § 297-102, Figure VII-1, Location of Planned Development Zones;
- Establishment of road buffer and setback requirements for development along roadways in the Highway Corridor portion of properties in the ABP Zone in Figure X-1, Road Corridor Buffer Yard and Building Setback Requirements; and
- Establishment of required bufferyards between the ABP Zone and other zones in Figures XXII-1, XXII-2, and XXII-3, Buffer Yards Between Adjacent Zones.

Bill #2024-08 / Zoning Map Amendment (ZMA) #23-02:

ZMA #23-02 would amend the Charles County Zoning Maps to change the base zoning district of approximately 198 acres of land in the vicinity of the Maryland Airport from Watershed Conservation District (WCD) and Business Park (BP) to the new ABP Zone. The ZMA would also amend the Zoning Maps to change the base zoning district of approximately 38 acres of land along Ray Drive from Watershed Conservation District (WCD) to General Industrial (IG). A map depicting the proposed zoning changes is attached.

It should be noted that the proposed amendments pertain only to those properties as described above. They do not propose to make any changes to the operations or future plans for the airport facilities and property.

SUMMARY OF PUBLIC PROCESS

First Planning Commission Public Hearing (September 18, 2023)

At their regularly scheduled meeting on September 18, 2023, the Charles County Planning Commission held a Public Hearing on the proposed amendments. At the hearing, fifteen (15) individuals voiced comments. At the conclusion of the Public Hearing, the record was left open for thirty (30) days. The record was closed on October 19, 2023. During the open record period, the Planning Commission received 16 sets of written comments from members of the public. There were also ten (10) written comments submitted prior to the hearing. The comments included opposition to the proposed amendments and concerns regarding negative impacts to residential properties, impacts to Mattawoman Creek and other environmental resources, air quality and community health impacts, questions regarding why not develop the supportive uses in Bryans Road and Indian Head instead, and traffic impacts. Other commenters expressed support for the zoning amendments, noting that the amendments would stimulate economic development and provide needed jobs and commercial tax base.

First Planning Commission Work Session (December 4, 2023)

On December 4, 2023, the Planning Commission held a Work Session to consider the proposed zoning amendments and public testimony. At the conclusion of the Work Session, the Planning Commission voted unanimously to forward a recommendation of approval of proposed ZTA #23-176 and ZMA #23-02 for adoption by the Board of County Commissioners.

First County Commissioner Public Hearing (April 9, 2024)

On April 9, 2024, the Charles County Commissioners held a public hearing on proposed Bill #2024-07 / ZTA #23-176 and Bill #2024-08 / ZMA #23-02. The record was held open for 60 days and was closed on June 8, 2024. At the hearing, 28 individuals voiced comments. In addition, a total of 149 written comments were received before the hearing and during the open record period. Similar to the Planning Commission public hearing, the comments included opposition to the proposed amendments and concerns regarding negative impacts to residential properties, impacts to Mattawoman Creek and other environmental resources, air quality and community health impacts, and traffic impacts. In addition, several residents expressed that they did not want the zoning of their particular properties to change, while others were concerned with the potential for hotels to locate near their properties.

Other commenters expressed support for the zoning amendments, noting that the amendments would stimulate economic development and provide needed jobs and commercial tax base. Several also expressed that the rezoning would help accommodate the growth of the Naval Support Facility at Indian Head and support the Western Charles County Technology Corridor. In addition, several business owners expressed support for rezoning their properties to IG.

Members of the Board of County Commissioners expressed similar concerns regarding various aspects of the rezoning. They requested that the area proposed for rezoning be reduced in size with a focus on removing environmentally sensitive areas and residential properties. There was also support to rezone existing businesses to General Industrial. Commissioners expressed that the hotel use should be removed from the proposed ABP zone in an effort to steer that use toward Route 210 and the Bryans Road Town Center.

First County Commissioner Work Session (July 9, 2024)

In response to these concerns and comments, Planning staff worked with Economic Development Department (EDD) staff to amend the proposed rezoning map. This revised map removed 300 acres from the original version, which represented a 53% reduction in the area to be considered for rezoning. Staff presented the revised map at the July 9 Work Session. The proposed revisions were intended to address the concerns raised while also furthering the goals of the rezoning with the following considerations:

- Includes the County owned parcels on the north side of Livingston Road (50 acres)
- Removes the most environmentally sensitive lands
- Recognizes existing businesses by rezoning those properties to IG
- Focuses on properties contiguous to, or owned by the airport owners for rezoning to ABP
- Removes most parcels currently in residential use to address homeowner concerns

Staff also proposed revisions to the Zoning Text Amendment that would:

- Remove the hotel use
- Include additional educational uses to allow a broad range of educational programming

During the Work Session, Commissioners requested that further reductions be made to the area proposed for rezoning, mainly to remove more parcels in residential use. Staff revised the map accordingly. This revision resulted in a reduction of a total of 329 acres from the original proposal, representing a 58% reduction in the area to be considered for rezoning. The Commissioners further requested that the amendments be sent back to the Planning Commission for a second public hearing.

Second Planning Commission Public Hearing (August 5, 2024)

At their regularly scheduled meeting on August 5, 2024, the Charles County Planning Commission held a second Public Hearing on the revised amendments, including the revised map. At the hearing, fifteen (15) individuals voiced comments. At the conclusion of the Public Hearing, the record was left open for thirty (30) days. The record was closed on September 5, 2024. During the open record period, the Planning Commission received ten (10) sets of written comments from members of the public. There were also two (2) sets of written comments submitted prior to the hearing. The comments expressed similar themes as at the previous public hearings. The comments included opposition to the proposed amendments and concerns regarding negative impacts to residential properties, impacts to Mattawoman Creek and other environmentally sensitive resources, air quality and community health impacts, questions regarding why not develop the supportive uses in Bryans Road and Indian Head instead, and traffic impacts.

Other commenters expressed support for the zoning amendments, noting that the amendments would stimulate economic development and provide needed higher paying jobs and commercial tax base. Some commenters expressed the importance of the rezoning to bring businesses that would support the expansion at Naval Support Facility Indian Head (NSFIH) due to national security and defense needs. Others expressed that there is not enough land in Indian Head for the proposed uses, while others noted that the rezoning would promote training and educational

opportunities. In addition, several business owners with properties on Ray Drive expressed that they wanted their properties to be zoned IG and/or ABP rather than WCD.

Second Planning Commission Work Session (September 16, 2024)

On September 16, 2024, the Planning Commission held a Work Session to consider the proposed zoning amendments and public testimony. During their discussion, the Planning Commission members expressed that all of the Ray Drive properties that are improved with businesses should be zoned IG. They also discussed additional changes to the map to protect steep slopes and other environmental features. After the conclusion of the Work Session, the Planning Commission voted unanimously to forward a recommendation of approval of the proposed Bill #2024-07 / ZTA #23-176 and Bill #2024-08 / ZMA #23-02, Aviation Business Park, for adoption by the Board of County Commissioners, with the following revisions: 1) change the zoning of Parcel 505 (Map 12) on Ray Drive from WCD to IG; and 2) remove an additional 41 acres of Parcel 157 (up to where it meets the northern property line of Parcel 503 (Map 12)) from the proposed ABP Zone and place it in the WCD Zone.

Second County Commissioner Work Session (October 1, 2024)

At their regularly scheduled meeting on October 1, 2024, the Charles County Commissioners held a second work session to consider the proposed zoning amendments. At this meeting, the Commissioners discussed the additional revisions recommended by the Planning Commission. At the conclusion of the meeting, the Commissioners voted to retain the rezoning map that they had revised at their July 9, 2024 work session and to hold a Public Hearing on the July 9, 2024 version of the map.

CONCLUSION AND RECOMMENDATION

Staff finds that the proposed amendments support the objectives of the 2016 Comprehensive Plan and the County's economic development goals and policies. Staff further recommends that the Planning Commission make a recommendation of approval to the County Commissioners.

NOTE: The recommendation of approval by the Planning Commission has been forwarded to the Board of Charles County Commissioners for their consideration and final approval or denial.

APPENDICES

The following items associated with this proposal are attached and have been uploaded [Online](#) for your review and consideration:

1. Draft Bill #2024-07 / ZTA #23-176, ABP Aviation Business Park Zone
2. Draft Bill #2024-08 / ZMA #23-02, ABP Aviation Business Park Zone and IG General Industrial Zone
3. Proposed Rezoning Map