



Charles County Commissioners Meeting of April 8, 2025

Department of Planning and Growth Management Staff Report

Project Name: Multifamily Uses and Infill Development in the Residential Office (RO) Zone

Bill 2025-02 / ZTA #23-179

Type of Project: Zoning Text Amendment

Applicant: Law Offices of Sue A. Greer

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BACKGROUND

The Residential Office (RO) zoning district was first included in the County Zoning Ordinance in 1992. The overall purpose of this district, as codified under § 297-90.4. of the Charles County Zoning Ordinance, is as follows: “to accommodate a mixture of office and residential uses in a manner that assures that low-intensity commercial uses are compatible with adjacent dwellings. This zone may serve as a transition between higher-intensity commercial uses and residential uses.” The uses permitted in this zone are generally lower-intensity service-oriented commercial office uses such as medical offices, professional offices, personal services, and business services; certain other commercial uses including restaurants, funeral homes, specialty shops, and antique shops; and certain institutional and recreational uses including private elementary and secondary schools, colleges, churches, and private recreational facilities. Residential uses permitted include single family dwellings, elderly care homes, group homes and retirement housing.

The Residential Office Zoning District currently encompasses approximately 143 acres. RO zoning occurs in several areas of the county, including along MD Business 5 (Leonardtown Road) in Waldorf, along Old Washington Road in Waldorf north of Smallwood Drive and south of Leonardtown Road, along Billingsley Road in the vicinity of MD 301, and in Bryans Road along the eastern side of MD 210 just south of the intersection with MD 228. Locations of RO zoned property in Charles County are illustrated on the map attached to this report as Appendix item 3.

Since the adoption of the RO Zone, a good amount of lower-intensity commercial development, in particular medical offices, has occurred in areas zoned RO, particularly along Old Washington Road in Waldorf. Thus, the intent of the zone has largely been fulfilled. Furthermore, the majority of the lands in the RO Zone have been developed.

REQUESTED AMENDMENT

General Description of the Request: A Zoning Text Amendment (ZTA) application was filed by the Law Offices of Sue A. Greer for the purpose of amending certain provisions of the Zoning Ordinance of Charles County to permit with conditions in the RO Zone, Use codes 3.03.100, Multifamily residential: garden apartment and 3.03.200, Multifamily residential: mid-rise. The proposed Text Amendment also includes supporting amendments to other sections of the Charles County Zoning Ordinance. The proposed Text Amendment to the Zoning Ordinance, if approved by the Charles County Commissioners, would revise the following Articles, Sections, and Figures as referenced below.

1. Article IV, Permissible Uses, §297-63, Figure IV-1, Table of Permissible Uses. The amendments add Use #3.03.100, Garden Apartment and Use #3.03.200, Mid-Rise, as uses permitted with conditions (“PC”) in the RO zoning district.
2. Article V, Residential Density, § 297-75, Residential Density, Figure V-2, Residential Density Ranges. The proposed amendments establish a minimum density of 15 units per

acre and a maximum density of 28 units per acre for the proposed multifamily uses in the RO Zone.

3. Article VI, Base Zone Regulations, §297-90.C., Development District Residential Zones, Permitted Uses. The proposed amendments incorporate requirements for the proposed multifamily uses in the RO Zone as follows:
 - a. Establishes specific criteria required for multifamily uses to locate in the RO Zone.
 - b. Specifies the minimum and maximum densities for multifamily uses in the RO Zone.
 - c. Specifies that the floor area ratio and building height requirements for these uses will determine the allowed scale and intensity of development.
 - d. Specifies that properties meeting the criteria to develop multifamily uses may submit an Alternative Design and Development Code for multifamily projects in the RO Zone.
4. Article VI, Base Zone Regulations, §297-90.B., Figure VI-4, Schedule of Zone Regulations, Development District Residential Zones. The amendments establish the minimum lot area, area per dwelling unit, building setback from adjacent lot lines, lot width, front yard, side yard, rear yard and maximum building height for multifamily uses in the RO Zone.
5. Article X, Highway Corridor (Overlay Zone), §297-151, Road Buffer Standards, Figure X-1, Road Corridor Buffer Yard and Building Setbacks. The amendments specify that multifamily residential uses in the RO Zone are exempt from the road buffer yard requirements and that a minimum setback of 15 feet from the road frontage is required for these uses in the RO Zone.
6. Article XIII, Minimum Standards for Special Exceptions and Uses Permitted with Conditions, § 297-212, Uses Corresponding with Table of Permissible Uses. The amendments establish the following required conditions for the proposed multifamily uses in the RO Zone:
 - a. The development must be located on properties consisting of no less than two acres and no greater than nine acres.
 - b. The development must be located within the Development District.
 - c. The development must be located within the Transit Corridor as designated on the county's land use map.
 - d. The development must be located within a Qualified Census Tract as designated by the Department of Housing and Urban Development.
 - e. A minimum of twenty-five percent (25%) of the dwelling units must be affordable housing units, as that term is defined by the Department of Housing and Urban Development.
 - f. The minimum distance between any two buildings must be 15 feet.
7. Article XVIII, Site Design, §297-298, General Site Design Standards. These amendments add the RO zone to the provisions specifying that if an alternative design and development code has been submitted and approved, the alternative design and development code shall govern site design.

APPLICANT JUSTIFICATION

A justification letter summarizing the proposed amendments has been supplied by the Applicant's representative, the Law Offices of Sue A. Greer. Within this letter, the applicant explains that the purpose of the amendments is to facilitate development of infill parcels and to provide affordable housing. The applicant asserts that most of the land zoned RO is located in Waldorf, in areas already planned for higher intensity development. These areas are located within the Priority Funding Area (PFA), the Tier 1 septic area, and have access to public water and sewer.

The applicant also asserts that most of the remaining properties in the RO Zone are small infill properties that have remained undeveloped for over 20 years; the proposed amendments would facilitate use and development of these properties and help invigorate the RO Zone. The applicant further contends that permitted uses in the RO Zone are limited and somewhat restrictive. The applicant asserts that the "failure" of these remaining infill properties to develop indicates that the RO Zone may have outlived its original purpose.

The applicant further contends that areas zoned RO are located in land use districts identified by the 2016 Comprehensive Plan to be developed or redeveloped as higher density and mixed use, including the Transit Corridor. Higher density, transit-oriented development in the RO zoned area is also supported by the 2004 Waldorf Sub Area Plan. The applicant also contends that multifamily development in areas zoned RO will help provide an appropriate buffer and transition between existing residential development and the more urban style development envisioned for these areas by the Comprehensive Plan.

Finally, the applicant explains that the proposed amendments limit the proposed multifamily uses to areas within the RO Zone that are located within the Transit Corridor and within Qualified Census Tracts (QCTs), as well as to parcels between two and nine acres. The amendments also require multifamily developments in this zone to include a minimum of 25 percent affordable units. As such, the scope of the impact to the overall RO Zone will be limited.

STAFF ANALYSIS

With respect to the Applicant's proposal and justification to modify the permitted uses within the Residential Office (RO) zoning district, County staff offer the following findings for the Planning Commission's consideration.

As stated earlier, the RO Zone was originally intended to be a transitional zone to serve as a buffer between higher-intensity commercial uses and residential uses. The proposed multifamily uses are somewhat more intense in character than the uses currently permitted in the RO Zone. However, the proposed ZTA limits the development of the proposed uses to properties that meet several criteria. One of these criteria is to locate within the Transit Corridor, as identified in the 2016 Comprehensive Plan. The Transit Corridor is described as follows:

"a sub-area of the Development District, surrounding and including the business and commercial centers along US 301 from Waldorf to White Plains. This portion of the County has the closest

links to the Washington metropolitan area, and has the best opportunity for the use of alternative modes of transportation, including transit.

This area encourages an integrated mix of medium to high density residential, business, and employment uses in a compact, well-designed, mixed-use, pedestrian-friendly environment. Such higher density development promotes alternative modes of transportation, including mass transit and efficient investment in urban services.

Since the highest residential densities are envisioned in the Transit Corridor and mixed-use area, lower densities are prescribed in other portions of the Development District.

The County envisions that transit-oriented redevelopment will ultimately emanate from the Redevelopment District (Waldorf Urban Redevelopment Corridor) out into the entire Transit Corridor. Redevelopment proposals consistent with the intent of this corridor will be viewed favorably.” (page 3-10)

The addition of multifamily uses in areas zoned RO, as limited by the required criteria in the proposed amendments, would be consistent with the intent of the Transit Corridor to promote mass transit. High-density multifamily housing is a major catalyst and even prerequisite for the development of mass transit. The higher density residential uses proposed to be added as permitted in the RO Zone would support the vision of these land use districts as they would promote and support walkable, mixed-use, higher density development, which would in turn facilitate the development of mass transit.

The proposed amendments also limit the proposed multifamily uses to those located in Qualified Census Tracts (QCTs). Qualified Census Tracts (QCTs) is a designation used by the United States Treasury and the United States Department of Housing and Urban Development (HUD) to define underserved and disproportionately impacted communities. A Qualified Census Tract (QCT) is any census tract (or equivalent geographic area defined by the Census Bureau) in which at least 50 percent of households have an income less than 60 percent of the Area Median Gross Income (AMGI), or which has a poverty rate of at least 25 percent. The proposed requirement for the multifamily uses to locate in a QCT would limit the number of applicable parcels that could have multifamily development in the RO Zone.

The proposed ZTA also requires that multifamily uses in the RO Zone provide a minimum of 25 percent of units as affordable, as defined by Department of Housing and Urban Development (HUD). This would incentivize affordable housing, which is consistent with the goal of the 2016 Comprehensive Plan to provide more affordable housing in the county.

Staff had initial concerns that there could be some potential for multifamily uses in the RO Zone to draw some development away from the Waldorf Urban Redevelopment Corridor (WURC), which is the County’s main area of focus for higher density residential development. However, the proposed criteria for locating these uses in the RO Zone would limit the number of properties that could receive this type of development. There are a total of five parcels in the RO Zone which meet all of these criteria. Of these five parcels, four are already developed or under development. Refer to Appendix 4 for a map of these parcels.

Staff performed an analysis of the estimated development potential of these five parcels. To do so, staff performed a rough calculation based on the Maryland Department of Planning (MDP) methodology for estimating development capacity. In applying the proposed maximum permitted density of 28 units per acre, and then applying a standard yield factor of 75%, it was found that these five parcels could yield a maximum of 324 multifamily units in total in the RO Zone. However, as stated above, four of the five parcels are already developed or under development. Any new development on these four parcels would have to be redevelopment.

In addition, infrastructure will be a limiting factor for locating the proposed multifamily uses in the RO zoned area. Development of multifamily uses would require considerable upgrades to existing water/sewer infrastructure in these areas. The county has not yet focused on providing infrastructure upgrades in this area, thus any infrastructure improvements for multifamily development would be the responsibility of the developer.

Finally, staff notes that densification in any location in the Transit Corridor would help facilitate the implementation of transit, which would be of benefit to the WURC.

SUMMARY OF PUBLIC HEARING

At their regularly scheduled meeting on November 18, 2024, the Charles County Planning Commission held a Public Hearing on the proposed amendment. At the hearing, three (3) individuals voiced comments. These verbal comments included a recommendation that the amendment be revised to include a requirement for multifamily buildings in the RO Zone to have commercial uses on the first floor. Other comments expressed the need for more clarity on how the amendment affects Bryans Road. No written comments were submitted prior to the hearing.

At the conclusion of the Public Hearing, the Planning Commission voted to close the record and enter into a work session. During the work session, Planning Commission members requested that a mixed-use component be added to the amendment. Staff responded that the Mixed-use Building uses (Use codes #8.01.000 and #8.02.000) could be added as permitted uses in the RO Zone. Staff clarified with the Planning Commission that this use be added as a permitted use, but that mixed use should not be required in multifamily buildings in the RO Zone. Staff further clarified that Uses #8.01.000 and #8.02.000 should be permitted with the same conditions as the two proposed multifamily uses in the RO Zone. In addition, staff would like to clarify that only the commercial uses that are currently permitted in the RO Zone would be permitted in mixed-use buildings in this zone. Staff proffered to have submitted a revised text amendment incorporating the Mixed-use Building uses at a subsequent continuation of the work session.

PLANNING COMMISSION RECOMMENDATION

On December 16, 2024, the Planning Commission continued their Work Session to consider a revised zoning text amendment submitted by the applicant which incorporates the Mixed-use Building uses #8.01.000 and #8.02.000 as permitted in the RO Zone, subject to the same conditions as the two proposed multifamily uses in this zone. After the conclusion of the

Work Session, the Planning Commission voted unanimously to recommend approval of the revised draft ZTA 23-179, Multifamily Uses and Infill Development in the Residential Office (RO) Zone, for adoption by the Board of County Commissioners. In their motion, the Planning Commission noted that they based their recommendation on the staff finding that the ZTA is consistent with the intent of the Transit Corridor as identified in the 2016 Comprehensive Plan.

CONCLUSIONS & RECOMMENDATIONS

As stated above, the Planning staff have evaluated the Applicant's rationale and justification for ZTA #23-179, Multifamily Uses and Infill Development in the Residential Office (RO) Zone. While the original purpose of the RO Zoning District was to serve as a transitional zone, a large part of the RO Zone has since been included in the Transit Corridor as designated in the 2016 Comprehensive Plan. In addition, the proposed amendments stipulate several criteria that would limit the number of properties where the proposed multifamily uses could be developed in this zone. The addition of the Mixed-use Building uses as permitted in the RO Zone would not adversely affect this zone as it would be consistent with the intent of the Transit Corridor and further would be limited to development that meets the same criteria as proposed for the multifamily uses. Furthermore, it is anticipated that the RO Zone will be reassessed during the 2026 Comprehensive Plan update to determine whether it is still relevant. In conclusion, Planning staff recommends approval of ZTA 23-179.

APPENDICES

1. Draft Zoning Text Amendment: ZTA 23-179, Amendments to Allow Multifamily Uses and Infill Development in the Residential Office (RO) Zoning District - Submitted by the Law Offices of Sue A. Greer
2. Map of areas in the County zoned Residential Office (RO)
3. Map of parcels that meet the proposed criteria to receive multifamily uses in the RO Zone