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1 Amended Decision and Order
2 Waldorf Crossing
3 Planned Development Zone # 00-07
4 Transit Oriented Development (TOD) Zone
5

6 After a public hearing held on above captioned revised Conditions of Approval
7 for the Planned Development Zone Amendment, PDZA #00-07, held on
8 November 17, 2009, having considered the entire record made at such hearing,
9 including all testimony, documents, and exhibits offered therein by way of oral,
10 written, or referenced material and in light of matters of public record of which
11 official notice has been taken, the County Commissioners of Charles County,
12 Maryland, hereby make the following Findings of Fact and Conclusions of Law
13 applicable to and in disposition of the revised Planned Development Zone
14 Amendment #00-07.
15

16 FINDINGS
17

- 18 1. The applicant, St. John's Properties, the developer and representative of
19 Chaney Properties, Inc., Waldorf Restaurant, Inc. and Southstar Limited
20 Partnership, seeks to amend the Conditions of Approval set forth in the
21 County Commissioners' Decision and Order in the above captioned matter,
22 dated October 27, 2004.
23
- 24 2. The Subject Property is located at the entranceway to Charles County,
25 along U.S. Route 301. The Waldorf Crossing property is located at the
26 northern limits of the County and is bisected by U.S. Route 301.
27 Mattawoman Creek and the Charles-Prince George County Line bound the
28 northwest portion of the Subject Project and U.S. Route 301 on the

2 east by the Maryland Route 5, bounded on the southeast by Substation
3 Road and bounded on the west by U.S. Route 301. The Subject Property
4 is located on Tax map 3, Parcel 1, Tax Map 8, Parcels 3, 17, 25, 26, 59,
5 221, 249, 254, 287, 339, 350, 587, and 588.

6
7 3. The Subject Property is located on both sides of U.S. Route 301. The
8 northwestern parcels contain approximately 87 acres. The southeastern
9 portion of Waldorf Crossing contains approximately 54 acres.

10
11 4. The Planning Commission held a public meeting on January 26, 2009.
12 The record was held open until March 12, 2009. The meeting was
13 advertised on January 9, 2009 and January 14, 2009 in the *Maryland*
14 *Independent*, a newspaper of general circulation within Charles County,
15 Maryland.

16
17 5. Based upon comments from the public, and questions raised by members
18 of the Planning Commission, the Applicant, in consultation with Planning
19 staff, submitted modified "Conditions of Approval." Planning staff
20 recommended approval of the modified "Conditions of Approval."

21
22 6. On August 17, 2009, the Planning Commission held a worksession on the
23 proposed Amendment and the modified "Conditions of Approval." The
24 Planning Commission voted to recommend the County Commissioners
25 approve the modified "Conditions of Approval."

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27 7. The County Commissioners held a public hearing on the modified
28 "Conditions of Approval" on November 17, 2009. The record was held
29 open until December 4, 2009. No additional testimony was received

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during the open record period.

8. The County Commissioners held a worksession on the modified "Conditions of Approval" on December 8, 2009.

8. The County Commissioners find that modified "Conditions of Approval," as integrated in Attachment A, a copy of which is attached hereto and incorporated by reference, do not alter its Findings of Fact and Conclusions in its Decision and Order dated October 27, 2004.

9. The modified "Conditions of Approval" are consistent with the Comprehensive Plan, the goals and objectives of the Transit Oriented Development (TOD) Zone as set forth in §297-111 of the Charles County Zoning Ordinance and is compatible with the surrounding neighborhood.

10. The modified "Conditions of Approval" strengthen the project known as "Waldorf Crossing Planned Development Zone # 00-07" and aid in the realization of viable, orderly, attractive and self-sustaining transit oriented development.

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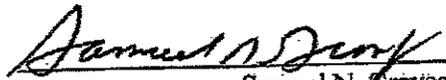
Based upon the above Findings and Conclusions, it is, this 8th day of
December, 2009, by the County Commissioners of Charles County, Maryland,
ORDERED, that the above captioned petition is hereby GRANTED with
those Conditions of Approval set forth in Attachment A.

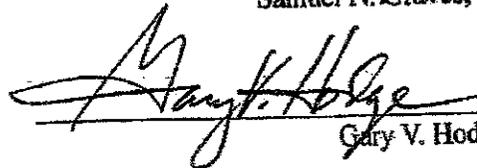
COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND


Wayne Cooper, President


Edith J. Patterson, Vice President


Reuben B. Collins, II


Samuel N. Graves, Jr.


Gary V. Hodge

ATTEST:


Denise Ferguson, Clerk

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Attachment A
Conditions of Approval
Planned Development Zone Amendment #00-07
Waldorf Crossing Transit Oriented Development

The following conditions are necessary to ensure that the floating zone approval and Master Plan are consistent with the *Charles County Comprehensive Plan*, the requirements of Article VII of the *Charles County Zoning Ordinance*, and representations of the Applicant regarding the Development Guidance System.

A. Conditions Relating to Environmental Protection and Recreation

1. During the General Development Plan stage of the project, final field identification of all wetlands, streams, floodplains, and the Resource Protection Zone should be finalized as set forth in Appendix A of the Zoning Ordinance.
2. The applicant should construct the portion of the Mattawoman Trail which is adjacent to Waldorf Crossing. The location and cross section standard for this trail shall be mutually agreed to by and between the Applicant, the Planning Commission, and all pertinent review and permitting agencies at the time of approval of the General Development Plan. The Applicant shall propose a phasing plan for the construction of the Mattawoman Trail during the General Development Plan stage of the project. This phasing plan shall generally propose construction of the trail concurrent with the development of parcels within Waldorf Crossing which are contiguous to the trail.
3. To ensure the provision of adequate recreation facilities, the General

2 facilities throughout the residential pods, as well as pedestrian facilities
3 which provide convenient access to such facilities. A phasing plan for
4 these facilities will also be provided along with the General Development
5 Plan. At a minimum the recreational facilities shall meet the standards for
6 a cluster development as set forth in Figure XIV-3 of the Zoning
7 Ordinance and Article XI of the Subdivision Regulations.

8
9 **B. Conditions Relating to Transportation**

- 10
- 11 1. The comprehensive pedestrian and bicycle circulation systems which
12 provides adequate and safe connections between residential, employment,
13 recreational, shopping, and transit centers be shown on the General
14 Development Plan. Finally, the pedestrian crossing of the railroad will be
15 designed with signal lights or signage as may be required.
 - 16
 - 17 2. The Developer shall comply with the requirements of the Adequate Public
18 Facilities (APF) section of the Charles County Zoning Ordinance at the
19 time of [preliminary subdivision plan and site plan approval. If mitigation
20 improvements are required, these improvements shall be identified and
21 shall become a condition of approval of the preliminary subdivision plan
22 or site plan. The provision of the park and ride facilities will be
23 appropriately considered as part of the mitigation required under APF
24 provisions.
 - 25
 - 26 3. Although shown conceptually on the Master Plan, the location of all roads
27 and all road access points on U.S. Route 301, on Maryland Route 5, on
28 Substation Road, and internally, will be determined at the General
29 Development Plan stage (Step 2). Access points on Western Parkway will

1 be evaluated as part of the development of the County's Access
2 Management Plan for that facility. Consideration will be given for
3 providing safe and convenient north and south traffic movements for the
4 properties adjoining the parkway.

- 5
- 6 4. Prior to the approval of a General Development Plan for the proposed
7 development, the feasibility of locating the currently envisioned traffic
8 circle on Western Parkway must be determined. The feasibility study must
9 be approved by the County Commissioners and the State Highway
10 Administration. The feasibility study shall address, as a minimum, safe
11 vehicle access to the western portion of the TOD project including
12 consideration for the stacking of vehicles on Western Parkway accessing
13 the Route 301 Interchange.

- 14
- 15 5(a). A conceptual alignment for a future extension of Western Parkway and a
16 parallel crossing of the Mattawoman Creek through the Waldorf Crossing
17 property is shown on the Master Plan. Within 90 days after the 100%
18 completion of the Western Parkway design and after final approval of the
19 rezoning of the Waldorf Crossing property to the TOD Zone, the Applicant
20 (all references to the "Applicant" shall include its heirs, successors and
21 assigns) shall dedicate to the County (at no cost) the right-of-way for the
22 Western Parkway extension through the subject property, provided that the
23 alignment for this roadway shall have been finalized to the mutual
24 satisfaction of the applicant, the County and the State Highway
25 Administration, and further provided that the right-of-way width shall not
26 exceed 120 feet. Failure to resolve the alignment for Western Parkway
27 shall not prevent the applicant from commencing development of that
28 portion of the Waldorf Crossing property on the east side of US Rte. 301.
29 For purposes of this condition, final approval of the rezoning shall mean

2 having been filed by any party which is not an entity of the Applicant to
3 any court of competent jurisdiction; or, if such appeal(s) have been filed by
4 any party which is not an entity of the Applicant, the final disposition of
5 said appeals(s) having occurred such that the original approval of the
6 County Commissioners including these conditions is undisturbed.

7
8 5(b). Notwithstanding herein to the contrary (including the provisions of
9 paragraph 5(a) hereinabove), the Applicant retains an absolute right to
10 require compensation by the State Highway Administration and/or Charles
11 County exclusive of those right of way dedications required by the Zoning
12 Ordinance, Road Ordinance or Subdivision Regulations, except as
13 specified herein, for any of the following:

14
15 The acquisition of any right-of-way other than the right-of-way for
16 Western Parkway as described in paragraph 5(a) hereinabove; any taking
17 which occurs to the balance of the Waldorf Crossing property and/or
18 development as a result of either the acquisition of any unforeseen right of
19 way not described in paragraph 5(a) above for the Western Parkway or as a
20 result of any additional taking by State Highway Administration or Charles
21 County. The applicant's right to claim compensation for any such taking
22 shall include, the elimination of any existing access points to any State
23 and/or County roadways, and any resulting or severance damages to the
24 balance of the property retained in the ownership of the applicant which
25 may be impacted as a result of actions by the State Highway
26 Administration and/or Charles County.

27
28 6. The site shall provide a minimum of 198 parking spaces which can be
29 used for park and ride purposes that shall be located in no more than two

1 (2) contiguous areas within the site. Shall these spaces be combined into a
2 single structured parking facility, that facility shall be located in the central
3 land bay of the project, that being the area bounded by Route 301 on the
4 west and existing CSX rail tracks on the east. The applicant shall reserve
5 the land necessary for the construction of a pedestrian bridge over Route
6 301 to connect the western side of the project to the centralized transit
7 hub. The applicant/developer shall not be responsible for the funding or
8 construction of such a bridge. The location for the park and ride site(s)
9 shall be determined at the time of approval of the General Development
10 Plan.

- 11
- 12 7. To better integrate the east and west side of the proposed Transit Oriented
13 Development, the Applicant shall show a viable location, designed to the
14 mutual satisfaction of the Applicant and the Department of Planning and
15 Growth Management, on the General Development Plan for a pedestrian
16 crossover which meets the design criteria as may be required by the State
17 Highway Administration. The Applicant shall reserve the necessary land
18 area in the chosen location for the duration of the project. At completion,
19 the Applicant may petition the County Commissioners for the release of
20 the reservation if there is no final design along with full funding by
21 Charles County and/or the State of Maryland to construct the pedestrian
22 crossover.

23

24 **C. Conditions Relating to Land Use and Design**

- 25
- 26 1. As part of the General Development Plan state (Step 2), the following
27 details must be submitted to ensure that the transition from residential to
28 commercial is adequate. This will be achieved through the following:
29

2 County Zoning Ordinance.

3
4 b. conceptual architectural design code to ensure compatibility
5 between commercial and residential uses. The final architectural
6 design code shall be approved at the time of preliminary
7 subdivision plan and/or site plan approval.

8
9 2. The General Development Plan should include general descriptions of
10 land use types proposed for the land pods. The Plan shall offer a mix and
11 arrangement of land uses, as well as a layout and design of street,
12 streetscapes, public activity spaces and buildings designed to: promote
13 pedestrian and other use of the transit stop, foster maximum pedestrian
14 activity and street life, minimizing disruptions from vehicular traffic and
15 parking. The level of detail of this information shall be determined by the
16 informational requirements for a General Development Plan contained in
17 Appendix A of the Zoning Ordinance.

18
19 3. The General Development Plan and Design Code will reflect the site
20 design and architectural principles illustrated in the document entitled
21 "Waldorf Crossing: Gateway to Historic Charles County" as submitted on
22 November 18, 2003. The design and quality of the residential and
23 commercial buildings will fully meet the purposes and intent of the Transit
24 Oriented Development (TOD) Zone as outlined in the Charles County
25 Zoning Ordinance. As a condition of Step 2 of the Development Guidance
26 System process, a Design Code shall be prepared that specifically address
27 not only the architectural and urban design principles, but specifically
28 notes the goals of the Charles County TOD Zone. The intent of this is to
29 purposefully include and make very clear specific measurable design

1 parameters that can be vetted out through the General Development Plan
2 and Design Code process to ensure a level of community design quality
3 and integration of uses that will ensure success of the project, its
4 constituent parts and be a true transit oriented community.
5

- 6 4. The quality of the apartments and condominium flats allowed will be
7 assured by a general adherence to the package as submitted by the
8 Applicant as part of the General Development Plan and Design Code. The
9 specific unit mixture of one bedroom (1BR), two bedroom (2BR) and
10 three bedroom (3BR) apartments and condominiums shall be based on the
11 market conditions at the time of General Development Plan and Design
12 Code review and shall be approved by the County working cooperatively
13 with applicant to ensure that the purposes and goals of the Master Plan and
14 GDP are met. Minimum unit size shall be per the Charles County Zoning
15 Ordinance. The suggested ranges of unit types for the project are as
16 follows:
17

18 1BR: 45-50%

19 2BR: 40-45%

20 3BR: 5-10%

21 4BR: Not permitted
22

- 23 5. The quality of the townhouse units allowed will be assured by a general
24 adherence to the floor plans, square footage of floor area and amenity
25 package as submitted by the Applicant as part of the General Development
26 Plan and Design Code. The specific square footage of the townhouse units
27 shall be based on the market conditions at the time of the General
28 Development Plan and Design Code Review. The minimum townhome
29 size shall be per the Charles County Zoning Ordinance.

2 **D. Conditions Related to Economic Development**

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4 1. Public infrastructure (i.e. water mains, sewer mains, public roads,

5 sidewalks, and storm drainage systems) shall be provided by the

6 Developer to accommodate with the ultimate build out of the site. The

7 infrastructure improvements shall be constructed in general accordance

8 with the schedules as outlined in the Fiscal Impact Study (refer to D.3).

9 Charles County will be responsible for the construction of Western

10 Parkway.

11

12 2. In order to achieve a balanced development schedule, the residential mix

13 and number of units built shall have a proportional relation to the square

14 footage of non-residential development. In addition to this overall goal of

15 not overburdening the project by disproportionately developing one use

16 over the others a way to ensure that this project develops in accordance

17 with the TOD zoning principles and is economically sustainable is through

18 the creation of "districts" or neighborhoods within the project. This will

19 allow for a measured and flexible development process that will be

20 responsive to both market and staff needs. The final number of "districts"

21 shall be determined at the time of the General Development Plan

22 submission. The County and the applicant shall work cooperatively

23 through the General Development Plan process to establish specific

24 development parameters concerning type and intensity of uses as well as

25 the specific district designations/locations based on the following general

26 district development principles:

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28 a. Each district shall have varying thresholds of development uses

29 that will outline both an overall cap and range of uses and product

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types.

- b. Each product type within a district shall have a range – minimum and maximum units or square footage allowed.
 - c. The individual development numbers for each of the districts shall not exceed the overall development cap for the project of 798 residential units and 453,000 SF of commercial development.
 - d. Each district shall have more than one use, though of necessity it is recognized that certain districts may be more “weighted” towards one use than others.
 - e. Districts shall generally be developed in sequence and development may proceed on one district only after eight-five (85) percent of the first district is achieved/completed. If this agreed to percentage is not met at the time of the applicant wishing to begin development on a subsequent district, approval by staff is required prior to commencement of development on the subsequent district.
 - f. Authority to grant actions outside of district development principles A-F lies solely with the County Commissioners.
3. Fiscal impact studies shall be conducted in accordance with the following criteria.
- a. The study methodology will be the:
 - 1. Case study-marginal cost approach similar to the approach used by

2 TOD Zone;

3
4 2. Standard input-output techniques incorporated with standard real
5 estate assumptions regarding the cost of construction approach
6 used by RESI Research & Consulting, Townson University
7 submitted as part of the Master Plan Condition of Approval
8 Amendment Request;

9
10 3. Or another approach which is generally accepted among members
11 of the public finance profession which is acceptable to the County.

12
13 b. If not otherwise available, the latest level of service indicators, affected
14 capital facility needs, operating expenses and revenue mechanisms will
15 be obtained through interviews with appropriate County departments.

16
17 c. The study will include, to the degree available, all actual data to
18 determine the most current impact of the development, as well as
19 projected impacts.

20
21 d. The study will estimate the fiscal impact on County operating revenues
22 and expenditures of the (1) current development and (2) projected
23 fiscal impacts of the remaining phases of development.

24
25 A Fiscal Impact Study will be provided at the beginning of the
26 development process for each district showing that the project and specific
27 district will not be a burden on the tax basis. No less than 50 percent of
28 the building square footage of the non-residential development shall be
29 used for office, hotel and employment uses (non-retail). This requirement

1 shall apply to the project as a whole, and not to the individual districts.
2 Further, the marketing plans and programs of the Developer shall be
3 directed to attracting companies within the then current marketing
4 industries identified by the Charles County Economic Development
5 Department (EDD). The target industries that have currently been
6 established by the County in the EDD are: information technology and
7 other similar high tech businesses, financial services, architectural
8 engineering and management services, manufacturing, health care
9 services, professional offices and other uses that may meet with the
10 concurrence of the EDD.

11
12 4. Economic Analysis will be provided at the beginning of the development
13 process for each district showing that the project and specific district will
14 not be a burden on the tax basis. The marketing plans and programs of the
15 Developer shall be directed to attracting companies within the then current
16 marketing industries identified by the Charles County Economic
17 Development Department (EDD). The Applicant will meet on a yearly
18 basis with the Economic Development Department to review the
19 nonresidential tenant mix as it relates to the County's economic
20 development goals and objectives for this transit oriented district. Failure
21 to meet the County Economic Development goals in any district may
22 result in specific requirements for commercial uses within subsequent
23 district.

24
25 5. To insure that the County's housing objectives are met, the Applicant shall
26 set aside a minimum of 10%, not to exceed 20%, of the total number of
27 dwelling units for the entire project as affordable dwelling units.
28 Affordable housing can be rented or purchased by households earning
29 between 30 to 80 percent of the Charles County Median Family Income as

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Development. At the beginning of each development process for each district, the Applicant shall report on the number of affordable housing units planned for said district.