

**14725 Banks O’Dee Road
Newburg, MD 20664
March 5, 2024**

Commissioner Reuben Collins
Commissioner Ralph Patterson
Commissioner Gilbert Bowling
Commissioner Thomasina Coates
Commissioner Amanda Stewart

Commissioners:

This is a quick look at **ZTA 22-173**.

Governor Moore has said that we must build in the right places. The WCD is not the right place for this proposed new use.

From the Staff Report:

- Due to the proposed density, minimum lot area, lot coverage and impervious surface allowances for the proposed use in the WCD zone, the ZTA is inconsistent with the (Comprehensive Plan’s) intent of the Watershed Conservation District to limit development in the Mattawoman watershed.
- Our major concern is that the proposed amendments will drastically increase the maximum density for this use in the Watershed Conservation District. The proposed amendments indicate that the use will require a minimum lot size of three (3) acres. In these 3 acres, the Applicant is proposing a maximum of 96 dwelling units, approximately 32 units per acre. For new residential lots within the WCD that are proposing development for single-family dwellings, the maximum density is one unit per twenty (20) acres. Staff finds that the proposed increase in density is in direct conflict with the goals and objectives of the Watershed Conservation District.
- In conclusion, if the Applicant and the Planning Commission is able to provide sufficient justification to the Planning Commission and the Charles County Commissioners that the overall increase in the maximum density for the proposed use from 20 acres to 3 acres is in accordance with the goals and objectives of the Charles County Comprehensive Plan, then County staff does not object to the Applicant’s desire to incorporate the new land use, Independent Living Senior Housing Complex, into the Charles County Zoning Ordinance.

That’s a big “if”. Simply saying the use is for senior housing is not sufficient justification for ignoring the conditions of the WCD. The burden of proof that the *overall increase in the*

maximum density for the proposed use from 20 acres to 3 acres is in accordance with the goals and objectives of the Charles County Comprehensive Plan lies with the applicant. They have not made their case.

Other points to consider:

- The Applicant Justification states *Church surveys show that seniors struggle to pay market rent on a fixed income. It states further that the skyrocketing rental prices for senior citizens and their limited income resources poses an immediate and eminent crisis for their independence and quality of life.* No source is given for this data.
- The property is zoned Septic Tier 4, which limits developments to 7 units. Ninety-six units is not allowed'
- Furthermore, the WCD would only allow 1 unit per 20 acres.
- This appears to be spot zoning: a whole ZTA for the benefit of one property, and the staff report says that this ZTA is crafted so narrowly that even the applicant's property does not appear to meet the provisions of the amendment. The report states that *this amendment was specifically crafted to fit their property, but it should be noted that if approved, this use would be permissible on any property that is at least three (3) acres in size in the WCD zone as long as it can meet the proposed conditions.* Spot zoning is not allowed in the State of Maryland.
- This new land use is very similar to retirement housing, which building regulations say, *shall be located within close proximity to and have pedestrian linkage with retail/commercial centers, restaurants, and public transportation.* There are no amenities near this property, and the applicant does not have plans to provide them. It seems irresponsible to provide housing for low income residents who must have cars to get to basic amenities.

Please reject this proposed ZTA. The applicant can reapply under the provisions of the Bryans Road Sub-area Plan. As Governor Moore said, we must build in the right places.

Sincerely,

Howard Dent