

September 28, 2021

Mr. Reuben B. Collins II, Esq.
President
Board of Charles County Commissioners
c/o Carol A. DeSoto, CAP, OM
Clerk to the Board of Charles County Commissioners
200 Baltimore Street
La Plata, Maryland 20646

RE: Charles County Zoning Text Amendment Number 21-164 (“ZTA 21-164”)

Dear Mr. Collins:

We hope this correspondence finds you and the Charles County Commissioners well.

As you may know, our company, Republic Land Development LLC (“Republic”), is currently constructing a 35,000-SF shopping center in Waldorf known as Waldorf Park, a project that is located at the southeast corner of Crain Highway (U.S. Route 301) and Smallwood Drive. In addition, Republic was the applicant on a zoning text amendment that was unanimously passed last year by the Charles County Planning Commission and the Board of Charles County Commissioners (or “ZTA 19-153”).

ZTA 19-153 was the first legislative update to the Business Park (or “BP”) zone in nearly 20 years, and its chief goal was to provide business parks with the opportunity to offer the amenities that are typically demanded by modern-day businesses. Given our investment in Charles County and experience working in the BP Zone, we are sending you this letter to provide two concerns we have regarding ZTA 21-164.

First, we want to say that we generally support the goal of ZTA 21-164: an expansion of flex uses into the BP zone will give the zone another tool in its toolbox to bring economic development to Charles County, and, alongside the tools provided by ZTA 19-153 from just one year ago, we believe that passage of ZTA 21-164 will put the BP zone on a very strong footing heading into the next decade.

With that said, we have two concerns with the current language of ZTA 21-164, and our comments in this letter are made to ensure that (i) the progress that was made with ZTA 19-153 is not unintentionally hindered and (ii) to ensure that ZTA 21-164 does not put existing business parks at a competitive disadvantage, specifically as it relates to signage which is a very important component of a successful project.

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Concern #1

Per the Staff Report, the ZTA 21-164 proposes to revise § 297-91 D. (2) of the Zoning Ordinance as follows:

*“The aggregate [land area] **BUILDING FLOOR AREA** containing uses **SET FORTH** in § 297-91 D. (1) shall not exceed [15%] **TWENTY-FIVE (25%)** of the **TOTAL BUILDING FLOOR AREA OF THE** business park [lot,] tract, or subdivision, whichever is greater. Notwithstanding the foregoing, [uses permitted with conditions within § 297-91 D. (1) can be offered as accessory uses when housed within a principal use, not to exceed an aggregate of 15% of the principal use’s floor area.] **USES PERMITTED WITH CONDITIONS BY § 297-91 D. (1) ARE NOT SUBJECT TO THE TWENTY-FIVE PERCENT (25) LIMITATION SET FORTH ABOVE, WHEN SUCH USES ARE LOCATED IN FLEX SPACE.**”*

Commensurately, ZTA 21-164 also proposes to revise § 297-212 for each of the uses listed in § 297-91 D. (1) to reflect that said uses are subject to the new size requirements of § 297-91 D. (2).

While the revisions to § 297-91 D. (2) do not explicitly restrict the uses in § 297-91 D. (1) from being offered in standalone formats, a strict reading of the new language could result in an interpretation that limits development of said uses if the then-existing “total building floor area of the business park” is not sufficient to merit the same. For example, if no buildings at a business park are yet to be approved or constructed, the total building floor area of the business park would be zero, and thus if a site plan were submitted for a use otherwise permitted by § 297-91 D. (1), the applicant’s proposed language could prohibit said site plan from being approved until the building square footage shown on said site plan is 25% or less of the then-constructed “total building floor area of the business park.”

Given this potential interpretation, we respectfully request that the proposed language be revised to allow amenity uses to evolve at a business park based on the timeline that best suits a particular park.

Concern #2

ZTA 21-164 proposes that signage at a business park can be contrary to the Zoning Ordinance if it is addressed through an Alternative Design and Development Code approved by the Planning Commission, and if an Alternative Design and Development Code does not exist (or is silent on a particular subject such as signage), the Zoning Ordinance governs.

Certainly, after an Alternative Design and Development Code is approved by the Planning Commission, future users in a business park should understand what signage is permitted at a particular park. However, there are existing business parks in Charles County where an Alternative Design and Development Code does not exist, and the time and resources needed to produce the same post-development/subdivision is onerous just to address signage. Additionally, given some BP-zoned properties in Charles County are very large, we believe that it is likely that more than one freestanding sign per business park will be needed, especially in cases where physical constraints exist such as multiple ingress/egress points on major roads; buildings that are served by long driveways connecting to a business park spine road; or business parks with multiple phases and multiple owners, just to name a few.

Given the above, we are concerned that only providing an Alternative Design and Development Code as the sole means for providing market-oriented signage at a business park could create a competitive disadvantage, especially for existing business parks.

Therefore, we respectfully request that the Board of Charles County Commissioners include minor revisions to § 297-324 of the Zoning Ordinance (through ZTA 21-164) to provide an additional path to allowing business parks (existing or proposed) to address signage.

For example, we would propose that the following be added to ZTA 21-164 in regard to § 297-324 of the Zoning Ordinance.

1. § 297-324.A.(1).(a): Only one freestanding sign shall be erected **on a lot, shopping center, or industrial park. A shopping center, business park, or industrial park may have one freestanding sign.** No freestanding sign(s) shall be permitted for individual enterprises located within or on the same lot with the shopping center, ~~business park~~ or industrial park. **In a business park, freestanding signs are permitted with an Alternative Design and Development Code approved by the Planning Commission pursuant to § 297-91(E) or by approval of a site development plan.**
2. § 297-324.A.(7).(a): Tenant listings on freestanding signs shall be limited for use for retail, ~~or~~ shopping centers, **or business parks.**

We believe the suggestions above are market-oriented and would be well received by the development community.

Thank you for your consideration of this letter, and we look forward to continuing to work with and in Charles County.

Best regards,



Stacy C. Hornstein
Senior Vice President
Republic Land Development LLC



Nicolas Aragon
VP, Director of Acquisitions and Development
Republic Land Development LLC