

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2023 Legislative Session

Bill 2023-03

ZONING MAP AMENDMENT (ZMA #22-01) Maryland Gardens

Introduced by Charles County Commissioners

For the purpose of granting a zoning reclassification and local map amendment under Article XXVII of the 13 Charles County Zoning Ordinance and reclassifying certain properties on Zoning Map 14 14 and Zoning Map 15 as identified in Attachments B and C from Residential Office/RO to 15 Community Commercial/CC.

Date introduced: 03 / 07 / 2023

Public Hearing: 04 / 18 / 2023 Virtual and In-Person @ 6:00 p.m.

Commissioners Action: 04 / 18 / 2023

Commissioner Votes: RBC: Y, GB: Y, TC: A, AS: Y, RP: Y

Pass/Fail: Pass

Effective Date: 06 / 02 / 2023

Remarks: _____

NOTE: CAPITALS indicate matter added to existing text.
[Brackets] indicate matter deleted from existing law.

1 Maryland, in accordance with §297-448 of the Charles County Zoning Ordinance, the subject
2 properties were posted and an affidavit of posting was received; and

3 **WHEREAS**, after review and consideration of the findings in facts and conclusions in the
4 Decision and Order, which is incorporated herein as Attachment A, the County Commissioners of
5 Charles County, Maryland approve and adopt Zoning Map Amendment 22-01.

6 **SECTION 1. BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF**
7 **CHARLES COUNTY, MARYLAND:**

8 That the Official Zoning Maps of Charles County, Maryland, known as Zoning Map 14
9 and Zoning Map 15 be amended, adopted and approved consistent with the Decision and Order in
10 Attachment A, and as shown on the Zoning Maps in Attachment B.

11 **SECTION 2 BE IT FURTHER, ORDAINED** that this bill shall take effect forty-five
12 (45) calendar days after it is adopted.


13 ADOPTED this 18th day of April 2023.

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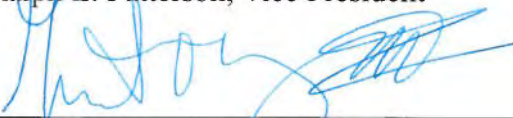
**COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND**




Reuben B. Collins, II, Esq. President



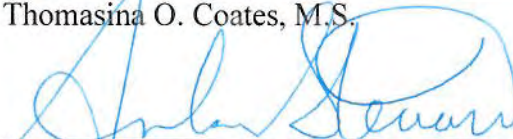
Ralph E. Patterson, Vice President




Gilbert O. Bowling, III



Thomasina O. Coates, M.S.



Amanda M. Stewart, M.Ed.

ATTEST:


Carol De Soto Clerk to the Commissioners

ATTACHMENT A

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

ZONING MAP AMENDMENT #22-01

After a public hearing on the proposed Zoning Map Amendment, held April 18, 2023, having considered the entire record made at such hearing including all testimony, documents, and exhibits offered therein by way of oral, written, or referenced material and in light of matters of public record of which official notice has been taken, the County Commissioners of Charles County, Maryland hereby make the following Findings of Facts and Conclusions applicable to the Zoning Map Amendment 22-01 for the granting of a zoning reclassification and local map amendment under Article XXII of the Charles County Zoning Ordinance.

FINDING OF FACTS

1. The Petitioners, St. Charles Community LLC, a Delaware limited liability company, and Kennedy Chiropractic PC, a Maryland professional corporation, by and through their attorney, Sue A. Greer, have requested a Zoning Map Amendment of 3.78 acres of land, more or less, amending the zoning from Residential Office ("RO") to Community Commercial ("CC") for the Subject Property.
2. The Subject Properties are identified as follows:
 - (a) 4190 Crain Highway, Waldorf Maryland 20602; Tax Map 14, Grid 24, Parcel 13A; Part of Lot 50-51 on a plat of subdivision entitled, "Section 1, Maryland Gardens" recorded among the Land Records of Charles County, Maryland in Plat Book 2, Folio 72;
 - (b) 4201 Old Washington Road, Waldorf Maryland 20602; Tax Map 15, Grid 13, Parcel 206; Part of Lot 49 on a plat of subdivision entitled, "Section 1, Maryland Gardens" recorded among the Land Records of Charles County, Maryland in Plat Book 2, Folio 72;
 - (c) 4195 Old Washington Road, Waldorf Maryland 20602; Tax Map 15, Grid 19, Parcel 43; Part of Lots 47 & 48 on a plat of subdivision entitled, "Section 1, Maryland Gardens" recorded among the Land Records of Charles County, Maryland in Plat Book 2, Folio 72;
 - (d) 4140 Crain Highway, Waldorf Maryland 20602; Tax Map 15, Grid 19, Parcel 62; Lot 89 on a plat of re-subdivision entitled, "Lots 44-A, 86, 87, 88 & 89, Being a Resubdivision of Lots 44, 45 & 46, Maryland Gardens" recorded among the Land Records of Charles County, Maryland in Plat Book 26, Folio 8 3/20/1978; and

(d) 4185 Old Washington Road, Waldorf Maryland 20602; Tax Map 15, Grid 19, Parcel 537; Lot 87 on a plat of re-subdivision entitled, "Lots 44-A, 86, 87, 88 & 89, Being a Resubdivision of Lots 44, 45 & 46, Maryland Gardens" recorded among the Land Records of Charles County, Maryland in Plat Book 26, Folio 8 3/20/1978.

(collectively, the "Property", the "Subject Property" and/or "Maryland Garden Properties")

3. The Maryland Garden Properties are contiguous properties located at and near the intersection of Billingsley Road and US Route 301/Crain Highway ("Crain Highway") and MD Route 925/Old Washington Road ("Old Washington Road") in Waldorf, Maryland.
4. The neighborhood is defined as "bound to the north by Smallwood Drive up to the St. Patrick's Drive intersection. The boundary then traverses St. Patrick's Drive to US Route 301. The boundary then travels south along US Route 301 to Smallwood Drive and then runs easterly along Smallwood Drive to St. Charles Parkway. The boundary then runs southerly to DeMarr Road and then westerly to US Route 301. The boundary then travels southerly again to MD Route 227, then westerly along MD 227 to Middletown Road. The boundary then is completed along Middletown Road to the intersection of Smallwood Drive."
5. The Applicant contends that there has been a "change in the neighborhood" warranting a change in zoning from Residential Office ("RO") to Community Commercial ("CC").
6. Based on the following cumulative changes, the Commissioners find there has been a "change in the neighborhood" warranting a change of zoning from Residential Office ("RO") to Community Commercial ("CC"):
 - a. Since the 1996 Comprehensive Zoning, the County adopted the Waldorf Sub-Area Plan, the 2016 Comprehensive Plan, and the Waldorf Urban Redevelopment Corridor (WURC). These plans recommend urban, mixed-use development in this area. Since the adoption of these plans, the corners of the major intersections noted above have developed with commercial uses, with one exception. The only corner of this major commercial intersection to remain undeveloped (as it has since the 1940's) is the corner containing the subject properties.
 - b. Since 1996, there have been major improvements to the road network immediately adjacent to the Property. In the late 1990's, the County constructed Phase 3A of the Cross County Connector. This construction changed Billingsley

Road from a two-lane wooded gravel road to a two-lane divided boulevard which is classified as a “major arterial.” The County has since adopted an access management plan for Billingsley Road. As part of this construction, the two major intersections of US 301/Crain Highway and Billingsley Road and Maryland 925/Old Washington Road and Billingsley Road were significantly expanded and improved.

- c. An outgrowth of the major road improvements was intense commercial and business development along Crain Highway, along Billingsley Road and the intersection of US 301 and Billingsley Road. Specifically, there has been significant commercial development within the quadrant identified by the intersection of Crain Highway, Billingsley Road, Old Washington Road, and Smallwood Drive. This change has been evidenced by the construction of the WAWA at the southeast corner of Billingsley Road and Crain Highway, the construction of an office/retail and medical park at the southwest corner of Billingsley Road and Crain Highway and the construction of the AutoZone at the northwestern intersection of Billingsley Road and Crain Highway. Kaiser Permanente has also announced plans to build a medical hub at the northwestern corner of Billingsley Road and Crain Highway. This intersection now serves as a gateway to development both on the east and west side of US 301 and Billingsley Road.
 - d. The development of commercial growth along the Crain Highway corridor is demonstrated by the expansion of the Kennedy Chiropractic Facility and JRJ Tax Service. The area to the north of the Property is zoned CC and has an existing Hampton Inn hotel, Carrabba’s Italian restaurant, Cracker Barrel, along with a retail center which is under construction at the intersection of US 301 and Smallwood Drive adjacent to the existing Taco Bell. Along the Old Washington Road corridor, adjacent residential properties are converting to commercial uses. Jelly Beans Daycare, located at 4167 Old Washington Road is an example of a residential dwelling which has been converted into a commercial establishment. Both JRJ Tax Service and Kennedy Chiropractic have also expanded their commercial footprints. As previously noted, the only corner of this major intersection to remain undeveloped is the corner containing the Property at issue.
7. Community Commercial (“CC”) Zoning is most consistent with both the 2016 Comprehensive Plan and the Waldorf Sub-Area Plan. CC Zoning would allow the Property to develop consistent with the development within the surrounding neighborhood.

8. The proposed rezoning is consistent with the County's Comprehensive Water & Sewer Plan. The County's Water and Sewer Plan shows that the Property is designated as a W-1 and S-1 on the County's Comprehensive Water and Sewer Maps. These designations indicate that there is an existing central system in place to service the site.
9. Rezoning the Property to allow for more intense commercial development along the US Route 301 and Billingsley Road intersection is consistent with current development trends in the area.

CONCLUSION

The County Commissioners, in consideration of the above Findings of Fact, hereby determine that the requested change to rezone the subject Property from Residential Office ("RO") to Community Commercial ("CC") meets the criteria for approval of a Local Map Amendment.

