

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2023 Legislative Session

Bill 2023-05

ZONING MAP AMENDMENT (ZMA #22-02)

Introduced by Charles County Commissioners

For The Purpose of Granting a zoning reclassification and local map amendment under Article XXVII of the Charles County Zoning Ordinance and classifying certain properties as identified on Attachment B as Community Commercial ("CC").

Date introduced: 06 / 13 / 2023

Public Hearing: 07 / 25 / 2023 Virtual and In-Person @ 6:00 p.m.

Commissioners Action: 09 / 19 / 2023

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

Pass/Fail: Pass

Effective Date: 10 / 04 / 2023

Remarks: _____

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

ATTACHMENT A

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

ZONING MAP AMENDMENT #22-02

After a public hearing on the proposed Zoning Map Amendment, held on July 25, 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 take, the Charles County Commissioners of Charles County, Maryland hereby make the following Findings of Facts and Conclusions applicable to the Zoning Map Amendment 22-02 and grant the zoning reclassification and local map amendment under Article XXII of the Charles County Zoning Ordinance.

FINDING OF FACTS

1. The Law Office of Sue A. Greer, P.C. has requested a Zoning Map Amendment to zone approximately 8.33 acres of land, more or less, within Charles County, Maryland to Community Commercial ("CC").
2. The Subject Properties are identified as follows:
 - a. Approximately 2.83 acres, more or less, which acreage is identified as "Approximate Area in Charles County, 2.83 AC+/-" of the Betty Orrison property as set forth on Exhibit A entitled, "Exhibit Tax Account #05-017742, Tax Account #05-036240, Approximate County Line, Land of Betty L. Orrison & Sherry K. Williams Et Al" being a portion of the property owned by St. Mary's Gateway, LLC, a Maryland limited liability company, by virtue a deed dated December 14, 2021 and recorded among the Land Records of St. Mary's County, Maryland in Liber 6024 Folio 329 and further identified as St. Mary's Tax Map 01, Grid 16, Parcel 77, St. Mary's Tax Account 05-017742. The St. Mary's Gateway Property has a St. Mary's County premise address of 30525 Three Notch Road, Charlotte Hall, Maryland 20622.
 - b. Approximately 5.50 acres, more or less, which acreage is identified as "Approximate Area in Charles County 5.50AC+/-" of the Sherry Kay Williams Et Al property as set forth on Exhibit A entitled, "Exhibit Tax Account #05-017742, Tax Account #05-036240, Approximate County Line, Land of Betty L. Orrison & Sherry K. Williams Et Al" being a portion of the property owned by Sherry Kay Williams, Wendy Williams-Truitt and Lisa D. Zimmer, via a deed dated September 11, 1997 and recorded among the Land Records of St. Mary's County, Maryland in Liber 1198 Folio 85 and further

identified as St. Mary's Tax Map 01, Grid 16, Parcel 43, St. Mary's Tax Account 05-036240.

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

3. The Bragg Properties are contiguous properties located along the southbound side of Three Notch Road/Maryland Route 5 ("Three Notch Road") at and near the intersection of Three Notch Road and Mohawk Drive. The Properties lie at the gateway to both Charles and St. Mary's County in the Hughesville and Charlotte Hall area. Both properties are bifurcated by the Charles County/St. Mary's County line.
4. St. Mary's Gateway, LLC, a Maryland limited liability company, is the owner of the 3.793 acre, more or less, parcel of real property identified as St. Mary's Tax Map 01, Grid 16, Parcel 77, St. Mary's Tax Account 05-017742. The property is vacant and unimproved. Approximately 2.83 acres, more or less, of the St. Mary's Gateway, LLC property is located in Charles County, Maryland.
5. Sherry Kay Williams, Wendy Williams-Truitt and Lisa D. Zimmer are the owners of a 21.043 acre, more or less, parcel of real property identified as St. Mary's Tax Map 01, Grid 16, Parcel 43, St. Mary's Tax Account 05-036240. Lying adjacent to the St. Mary's Gateway LLC Property, the William's Property is vacant and unimproved. Approximately 5.50 acres, more or less, of the Williams Property is located in Charles County, Maryland.
6. The Applicant contends that there has been a "mistake" warranting zoning the Bragg Properties Community Commercial ("CC").
7. The last Comprehensive Rezoning in Charles County occurred in 1992. The 1992 Zoning Map does not clearly identify a zoning designation for the Bragg Property. The Commissioners find that the underlying assumptions or premises relied upon by the Charles County Commissioners in 1992 Comprehensive Rezoning were incorrect and that there has been a "mistake" warranting zoning the Subject Property Community Commercial ("CC").
8. In making this finding the County Commissioners take into consideration the following facts:
 - a. The Bragg Properties are bifurcated by the Charles County/St. Mary's County boundary lines. The bifurcation of the Bragg Property by the St. Mary's County/Charles County

boundary line results in the rear of the Bragg Property being zoned Rural Residential/RR and the frontage of the Bragg Property being zoned Town Center Mixed Use/TMX.

- b. The majority of the Bragg Property and the entire frontage of the Bragg Property lie within St. Mary's County.
- c. The Bragg Properties have a St. Mary's County tax identification number and do not have a Charles County tax identification number.
- d. The deeds for both properties are recorded in the Land Records of St. Mary's County and not in Charles County.
- e. Physical and legal access to the Bragg Properties is through St. Mary's County.
 - i. Within Charles County, the Bragg Property is bounded by two residential subdivisions: The Oakland Subdivision and the Karen Knolls Subdivision. Development in both subdivisions was underway and established in 1992.
 - 1. Oakland Subdivision is a large lot subdivision sited along the Bragg Property's western boundary. The first subdivision plat for Oakland Acres was recorded in 1965. The Oakland Subdivision lots which bound the Bragg Property are between 3.8 acres and 7 acres in size. There is no access to the Bragg Property via the Oakland Subdivision and the Oakland Subdivision Plats provide no mechanism for access.
 - 2. The Karen Knolls Subdivision lies adjacent to the northwestern corner of the Bragg Property. The plat of subdivision for Karen Knolls was recorded in 1974. The two lots within the Karen Knolls subdivision which bound the Bragg Property are 3.8 acres and 2.9 acres. There is no access to the Bragg Property via the Karen Knolls subdivision. The Karen Knolls subdivision plats provide no mechanism for access.
 - ii. The platted and developed subdivisions known as Oakland and Karen Knolls make the Bragg Property inaccessible through Charles County.
 - iii. The lack of legal and physical access would have been reflected on the plats of subdivision in existence in 1992.
 - iv. Access to the portion of the Bragg Property within Charles County is limited to access through St. Mary's County and via Three Notch Road/Maryland Route 5 or via Charlotte Hall Road.

- v. The lack of access would make it difficult to develop the portion of the Bragg Property which lies within Charles County consistent with RR zoning. RR zoning envision large lot subdivisions and agrarian uses. Such uses are not compatible with the heavily travelled Three Notch Road transportation corridor or the surrounding commercial and mixed use neighborhood within the Charlotte Hall Town Center.
 - f. In 1992, Commercial development along the northbound lane of Three Notch Road was located directly across from the Bragg Property, to include McKay's Shopping Plaza.
 - g. St. Mary's County has consistently exercised jurisdiction over the Bragg properties.
9. In 1992, The Commissioners did not take into account the cumulative impacts of the bifurcation of the Bragg Property, the lack of legal and physical access to the Property from within Charles County, the Bragg Property's location at the gateway of both Charles and St. Mary's County, the fact that the majority of the Bragg Property lies within St. Mary's County, the fact that St. Mary's County has consistently exercised jurisdiction over the Bragg Property and the Bragg Property's proximity to commercial development.
10. Community Commercial ("CC") Zoning is most consistent with both the 2016 Comprehensive Plan, the Hughesville Sub-Area Plan and the Charlotte Hall Town Center designation within St. Mary's County. CC Zoning would allow the Property to develop consistent with the development within the surrounding neighborhood.
11. 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.
12. Rezoning the Property to allow for more intense commercial development along the Three Notch Road/Route 5 corridor near at the Gateway to Charles County and St. Mary's County is consistent with current development trends in the area and is consistent with the County's economic development goals.

CONCLUSION

The County Commissioners, in consideration of the above Findings of Fact, hereby determine that the request to zone the Subject Property meets the criteria to amend the zoning map and zone the Subject Property to Community Commercial ("CC").

- BASE ZONES**
- AC AGRICULTURAL CONSERVATION
 - RURAL CONSERVATION
 - WCD WATERSHED CONSERVATION DISTRICT
 - RR1 RURAL RESIDENTIAL
 - RV VILLAGE RESIDENTIAL
 - RL LOW DENSITY SUBURBAN RESIDENTIAL
 - RM MEDIUM DENSITY SUBURBAN RESIDENTIAL
 - RH HIGH DENSITY SUBURBAN RESIDENTIAL
 - RO RESIDENTIAL / OFFICE
 - CER CORE DEVELOPMENT / RESIDENTIAL
 - CMP CORE MIXED RESIDENTIAL
 - CRR CORE RETAIL RESIDENTIAL
 - CN NEIGHBORHOOD COMMERCIAL
 - CC COMMUNITY COMMERCIAL
 - CB CENTRAL BUSINESS
 - CV VILLAGE COMMERCIAL
 - BP BUSINESS PARK
 - IG LIGHT INDUSTRIAL
 - HI HEAVY INDUSTRIAL
 - AUC ACTON URBAN CENTER
 - WC WALDORF CENTRAL
- OVERLAY ZONES**
- PC PARCEL C
 - HC HIGHWAY CORRIDOR
- FLOATING ZONES**
- PRD PLANNED RESIDENTIAL DEVELOPMENT
 - PMH PLANNED MOBILE HOME PARK
 - PEP PLANNED EMPLOYMENT/INDUSTRIAL PARK
 - MX PLANNED MIX USE
 - PUD PLANNED UNIT DEVELOPMENT
 - WPC WATERFRONT PLANNED COMMUNITY
 - TOD TRANSIT ORIENTED DEVELOPMENT

