

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2023 Legislative Session

Bill 2023-11

ZONING MAP AMENDMENT #23-01

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 Dash In Food Store, Inc. property as Community Commercial (CC). Property is identified as Parcel 50-R containing 3.020 acres as shown on a plat entitled "Dash-In Food Stores, Inc." recorded among the Land Records of Charles County, Maryland in Plat Book 62, Page 187. The property is located in the Eighth (8th) Election District of Charles County, Maryland, is known as 3620 Mattawoman-Beantown Road, Waldorf, Maryland, and is improved by a convenience store and fuel station.

Date introduced: 10 / 03 / 2023

Public Hearing: 11 / 28 / 2023 Virtual and In-Person @ 6:00 p.m.

Commissioners Action: 11 / 28 / 2023

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

Pass/Fail: Pass

Effective Date: 01 / 12 / 2024

Remarks: _____

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

1 **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

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3 **2023 Legislative Session**

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5 Bill No. 2023-11

6 Chapter. No. 297

7 Introduced by County Commissioners of Charles County, Maryland

8 Date of Introduction: October 3, 2023

9
10 **BILL**

11 AN ACT concerning

12 **ZONING MAP AMENDMENT (ZMA #23-01)**

13 FOR the purpose of

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

17
18 **WHEREAS**, under the provisions of the Land Use Article of the Annotated Code of
19 Maryland, as amended, the County Commissioners of Charles County, Maryland, are
20 empowered to enact and establish zoning regulations;

21 **WHEREAS**, the Planning Commission of Charles County, Maryland, held a public
22 hearing on the proposed Zoning Map Amendment #23-01 on August 21, 2023;

23 **WHEREAS**, the Planning Commission of Charles County, Maryland, at a regularly
24 scheduled meeting on August 21, 2023, unanimously recommended approval of the Zoning Map
25 Amendment #23-01, to rezone the 1.748-acre portion of Parcel 50-R from Rural Conservation
26 (RC) to Community Commercial (CC) to the County Commissioners of Charles County,
27 Maryland;

28 **WHEREAS**, the County Commissioners of Charles County, Maryland, held a public
29 hearing on November 28, 2023. The hearing was properly advertised on November 10, 2023,
30 and on November 17, 2023, in the Maryland Independent, a newspaper of general circulation
31 within Charles County, Maryland, in accordance with §297-448 of the Charles County Zoning
32 Ordinance, the subject properties were posted and an affidavit of posting was received; and

33 **WHEREAS**, after review and consideration of the Findings of Fact and Conclusions
34 incorporated herein as Attachment A, the County Commissioners of Charles County, Maryland
35 adopt and approve Zoning Map Amendment #23-01


36 **SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF**
37 **CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as**
38 **follows:**


39 That the Official Zoning Maps of Charles County, Maryland, known as Zoning Map #23-
40 01 be amended, adopted and approved as shown on the Zoning Maps in Attachment B.

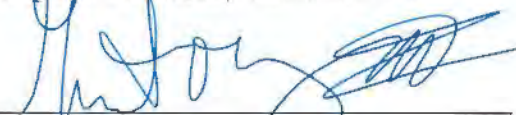
41 **SECTION 2 BE IT FURTHER ENACTED**, that this act shall take effect forty-five
42 (45) calendar days after it is adopted.


43 ADOPTED this 28th day of November, 2023.

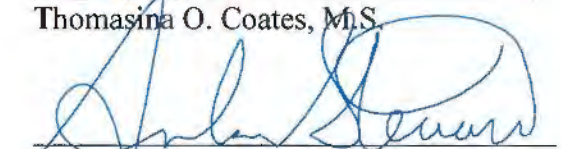
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45 **COUNTY COMMISSIONERS**
46 **CHARLES COUNTY, MARYLAND**

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51 Reuben B. Collins, II, Esq. President


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54 Ralph E. Patterson, Vice President

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58 Gilbert O. Bowling, III

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61 Absent
62 Thomasina O. Coates, M.S.

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66 Amanda M. Stewart, M.Ed.

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68 **ATTEST:**

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72 Carol De Soto Clerk to the Commissioners
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ATTACHMENT A

FINDINGS OF FACT & CONCLUSIONS

ZONING MAP AMENDMENT #23-01

After a public hearing on the proposed Zoning Map Amendment, held on November 28, 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 Zoning Map Amendment #23-01 and grant the zoning reclassification and local map amendment under Article XXII of the Charles County Zoning Ordinance.

FINDINGS OF FACTS

1. Dash In Food Stores, Inc. (the "Applicant" or "Dash-In") has requested a Zoning Map Amendment to their entire Parcel 50-R containing 3.020 acres as Community Commercial (CC), of which 1.272 acres is CC zoned and 1.748 acres is Rural Conservation (RC) zoned.
2. The Subject Property is identified as Parcel 50-R containing 3.020 acres as shown on a plat entitled "Dash-In Food Stores, Inc." recorded among the Land Records of Charles County, Maryland in Plat Book 62, Page 187. The property is located in the Eighth (8th) Election District of Charles County, Maryland, is known as 3620 Mattawoman-Beantown Road, Waldorf, Maryland, and is improved by a convenience store and fuel station.
3. The Subject Property is located at the intersection of Maryland Route 5 and St. Charles Parkway/Mattawoman Beantown Road (the "Intersection).
4. The Applicant contends that a substantial change in the character of the neighborhood in which the Subject Property is located has occurred.
5. The last Comprehensive Rezoning in Charles County occurred in 1996. Since 1996, there have been major improvements to the road network to the Subject Property. The last base map zoning for the Subject Property occurred in 1996, at which time the Dash-In property consisted of 1.272 acres known as Parcel 50 and was zoned CC, and the 1.748 acre P/O Parcel 157, which was acquired from the neighbor and consolidated, was zoned RC.
6. The County Commissioners find that the underlying assumptions, premises and justifications relied upon by the Applicant are correct and that there has been a substantial change in the character of the neighborhood.
7. In making this finding, the County Commissioners take into consideration the following facts:

a. That Dash In began operating at the Subject Property in 1988/1989 with a 1056 S.F. convenience store with 12 fueling positions. The site plan at that time delineated a future car wash.

b. In 2003/2004, the Subject Property was upgraded by Dash-In with a 3,200 S.F. convenience store and 18 fueling positions.

c. Rezoning the 1.748 acre portion of the 3.020 acre property from RC to CC for zoning consistency will enable Applicant to explore an expanded store size and car wash, and provide additional jobs and opportunities at this location.

d. As part of any future redevelopment, adequate public facilities will be addressed at that time.

e. That convenience stores, motor vehicle fuel sales and car wash operations are permissible land uses within the CC zone.

f. The Neighborhood of the Subject Property encompasses the Rosewick Road/St. Charles Parkway. The Subject Property is located at the intersection of Maryland Route 5 and St. Charles/Mattawoman-Beantown Road ("Intersection"). This intersection is a frequently travelled commuter route for residents of both Charles and St. Mary's County, and for purposes of the Application, the Neighborhood focus was the Rosewick Road/St. Charles Parkway corridor.

g. That significant development activity has occurred south (Rosewick Road/ St. Charles Parkway) of the Subject Property.

h. The Highway Corridor (HC) Overlay Zone includes all lands within 500 feet on each side of Maryland Route 5 and the entire 3.020 acre Subject Property is within this overlay zone.

i. The immediate neighbors of the Subject Property are commercially developed and include a CVS Pharmacy and the Farrall Professional Park at the northwestern corner of Leonardtown Road at St. Charles Parkway and the Gateway Plaza shopping center at the southeastern corner of Leonardtown Road at St. Charles Parkway and Leonardtown Road. The neighboring parcels to the immediate west and northeast of the Subject Property are currently undeveloped and are zoned Medium-Density Residential (RM) and Rural Conservation (RC).

j. Since the 1996 Comprehensive Zoning, the County has adopted the Waldorf Sub-Area Plan, the 2016 Comprehensive Plan, and the Waldorf Urban Redevelopment Corridor. Since 1996, there have been major improvements to the road network surrounding the Subject Property, including the significant construction of Rosewick Road and its connection to St. Charles Parkway, and significant residential growth has occurred.

k. The Application provides justification of consistency with the County's Comprehensive Plan, Comprehensive Water and Sewer Plan, Capital Improvement Plan and other County Plans, and will not have any present impact on roads, traffic, water or sewer service to the Subject Property. As part of any redevelopment of the Subject Property, the

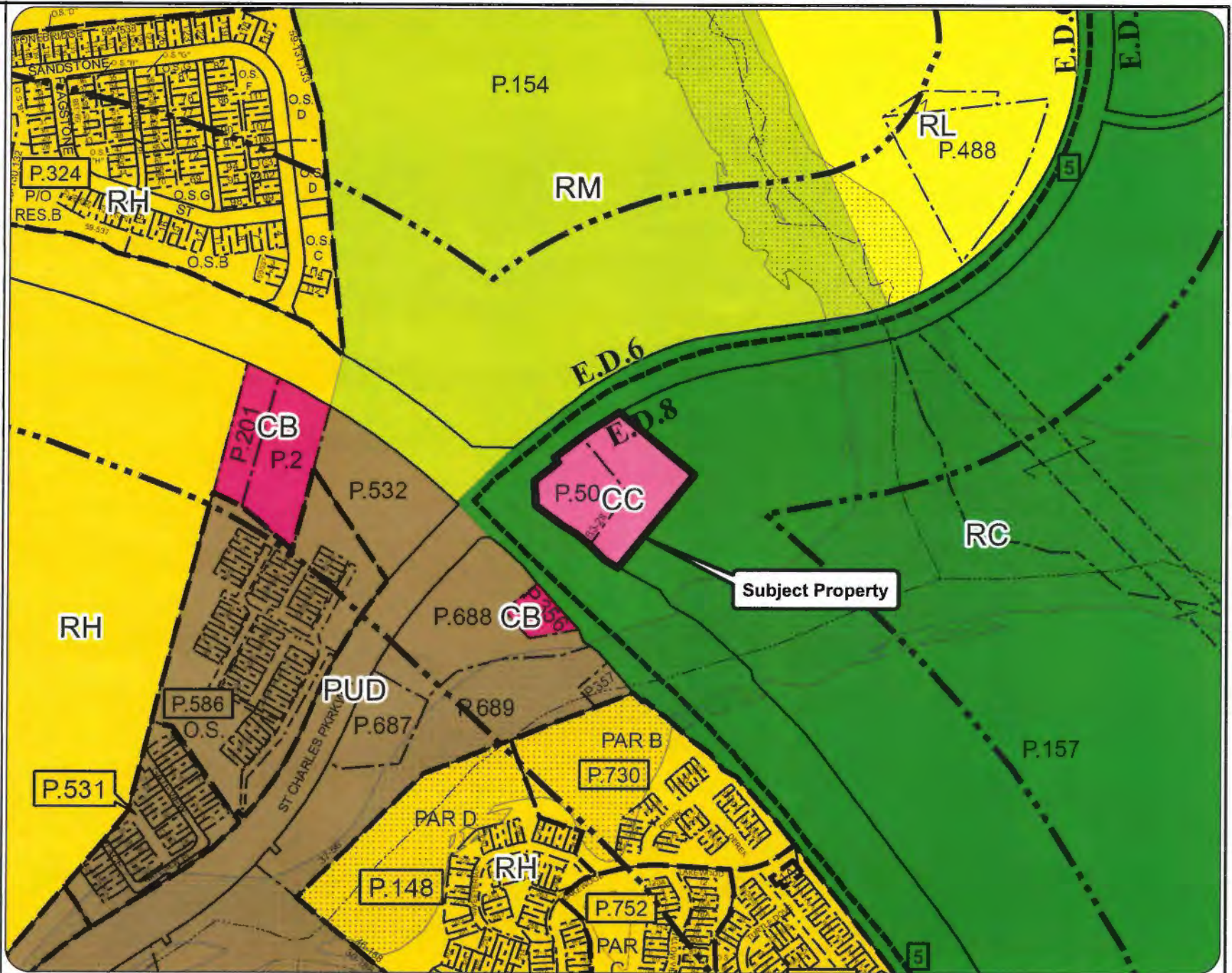
Applicant will have to address adequate public facilities as part of building permits and approvals.

8. That based upon the evidence presented, there has been a substantial change to the character of the Neighborhood since the last comprehensive rezoning by Charles County in 1996, and the proposed rezoning is consistent with the 2016 Comprehensive Plan.

CONCLUSION

The County Commissioners, in consideration of the above Findings of Fact, hereby determine that the request to zone 1.748 acres of the Subject Property to Community Commercial meets the criteria to amend the zoning map and zone of the entire 3.020 acre Subject Property as Community Commercial (CC).

- BASE ZONES**
- AC AGRICULTURAL CONSERVATION
 - RC RURAL CONSERVATION
 - WCD WATERSHED CONSERVATION DISTRICT
 - RR 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
 - CMR 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
 - RP RESOURCE PROTECTION
 - CAB CRITICAL AREA BOUNDARY
- FLOATING ZONES**
- PRD PLANNED RESIDENTIAL DEVELOPMENT
 - PMH PLANNED MOBILE HOME PARK
 - PEP PLANNED EMPLOYMENT/INDUSTRIAL PARK
 - PM PLANNED MIX USE
 - PUD PLANNED UNIT DEVELOPMENT
 - WPC WATERFRONT PLANNED COMMUNITY
 - TOD TRANSIT ORIENTED DEVELOPMENT



<p>0 300 600 1,200 Feet</p> <p>Information contained on this drawing is for graphical purposes only and is not meant to be used for engineering purposes.</p>		<p>SCALE</p> <p>DRAWN BY:</p> <p>CHECKED BY:</p>	<p>CHARLES COUNTY GOVERNMENT</p> <p>Department of Planning and Growth Management</p> <p>200 Baltimore St La Plata, MD 20646 (01)645-0627</p>	<p>DATE</p>	<p>ATTACHMENT B</p> <p>BILL 2023-11 ZMA 23-01</p> <p>ZONING MAP</p> <p>CHARLES COUNTY, MD</p>
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