

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2024 Legislative Session

Bill 2024-09

ZONING MAP AMENDMENT (ZMA #23-03)

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 on subdivision entitled "A Subdivision of Land of George A. Adams known as Martin & Knapp Tract" located at 3755 Leonardtown Road Waldorf, MD 20601 identified on Charles County Tax Maps as Tax Map 15 Grid 11 Parcel 533, Lot 17 containing 6.1 acres and 3640 Moses Way Road Waldorf, MD 20601 identified on Charles County Tax Maps as Tax Map 15 Grid 11 Parcel 68 containing 2.0 acres as High Density Suburban Residential ("RH").

Date introduced: 04/09/2024

Public Hearing: 05/14/2024 Virtual and In-Person @ 6:00 p.m.

Commissioners Action: 05/14/2024

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

Pass/Fail: Pass

Effective Date: 06/28/2024

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 **2024 Legislative Session**

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5 Bill No. 2024-09

6 Chapter. No. 297

7 Introduced by County Commissioners of Charles County, Maryland

8 Date of Introduction: April 9, 2024

9
10 **BILL**

11 AN ACT concerning

12 **ZONING MAP AMENDMENT (ZMA #23-03)**

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 High Density Suburban Residential (“RH”).*

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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 empowered
20 to enact and establish zoning regulations;

21 **WHEREAS**, the Planning Commission of Charles County, Maryland, held a public
22 meeting on the proposed Zoning Map Amendment #23-03 on March 4, 2024;

23 **WHEREAS**, the Planning Commission of Charles County, Maryland, at a regularly
24 scheduled meeting on March 4, 2024 unanimously recommended that Zoning Map Amendment
25 #23-03, to designate the subject properties High Density Suburban Residential (“RH”), be
26 approved by the County Commissioners of Charles County, Maryland;

27 **WHEREAS**, the County Commissioners of Charles County, Maryland, held a public
28 hearing on May 14, 2024. The hearing was properly advertised on April 26, 2024 and on May 3,
29 2024, in the Maryland Independent, a newspaper of general circulation within Charles County,
30 Maryland, in accordance with §297-448 of the Charles County Zoning Ordinance, the subject
31 properties were posted and an affidavit of posting was received; and

ATTACHMENT A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

ZONING MAP AMENDMENT #23-03

BILL 2024-09

After a public hearing on the proposed Zoning Map Amendment, held on May 14, 2024, 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 Charles County Commissioners of Charles County, Maryland hereby make the following Findings of Facts and Conclusions applicable to the Zoning Map Amendment #23-03 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 Law Office of Sue A. Greer, P.C. has requested a Zoning Map Amendment to zone approximately 8.1 acres of land, more or less, within Charles County, Maryland to High Density Suburban Residential ("RH").
2. The Subject Properties are identified as follows:
 - a. 3755 Leonardtown Road, Waldorf Maryland 20601, which is identified on the Charles County Tax Maps as Tax Map 15 Grid 11 Parcel 533, containing 6.1 acres, more or less. The property is further identified as "Lot 17" on a plat of subdivision entitled, "A Subdivision of the Land of George W. Adams known as Martin & Knapp Tract", which plat is recorded among the Land Records of Charles County, Maryland in Plat Book W.M.A. 1, Folio 185. (*Attachment A*) The property is improved by a small residential structure constructed in 1953 and is primarily wooded. The property is bounded by Leonardtown Road/Maryland Route 5 to the north and Thomas Stone High School to the east and south. The southern boundary also lies adjacent to an unimproved wooded residential parcel. The property's western boundary lies adjacent to Tower Self Storage and the 3640 Moses Way parcel identified below.
 - b. 3640 Moses Way, Road, Waldorf Maryland 20601, which is identified on the Charles County Tax Map as Tax Map 15 Grid 11 Parcel 68, containing 2.0 acres, more or less. The property is part of a subdivision of Lot 16 as shown on a plat of subdivision entitled, "A Subdivision of the Land of George W. Adams known as Martin & Knapp Tract", which plat is recorded among the Land Records of Charles County, Maryland in Plat Book W.M.A. 1, Folio 185. The property's northern and

western boundaries are bounded by Tower Self Storage. 3755 Leonardtown Road (as described above) lies adjacent and contiguous to the property's eastern boundary. The property's western boundary lies adjacent to Tower Self Storage. Access to Leonardtown Road is provided through Moses Way, a 20' private road.

(The properties are collectively referred to as the "Martin Knapp Properties" or the "Property".)

3. The Martin Knapp Properties are two contiguous properties located in the 6th Election District of Charles County, Maryland. The properties are located off of the south side of Leonardtown Road/Maryland Route 5 ("Leonardtown Road") adjacent to Thomas Stone High School and in close proximity to the intersection of Mattawoman Beantown Road, Leonardtown Road and St. Charles Parkway.
4. Christendom Holdings, LLC, a Virginia limited liability company, is the owner of the property identified as 3755 Leonardtown Road, Waldorf, Maryland 20601, which is further identified on the Charles County Tax Maps as Tax Map 15 Grid 11 Parcel 533, containing 6.1 acres, more or less.
5. STBRC, LLC, a Maryland limited liability company is the owner of the property identified as 3640 Moses Way, Road, Waldorf Maryland 20601, which is further identified on the Charles County Tax Map as Tax Map 15 Grid 11 Parcel 68, containing 2.0 acres, more or less.
6. The Applicant contends that there has been both a "change in the neighborhood" and "mistake" warranting zoning the Martin Knapp Properties High Density Suburban Residential ("RH").
7. The last Comprehensive Rezoning in Charles County occurred in 1992. The Commissioners find that there has been a "change in the neighborhood" since the 1992 Comprehensive Rezoning warranting zoning the Subject Property High Density Suburban Residential ("RH").
8. In making this finding the County Commissioners take into consideration the following facts:
 - a. The Property was last comprehensively zoned in 1992. Since the 1992 comprehensive zoning, there has been significant and unanticipated change in the Neighborhood. The change in the Neighborhood is not based on one factor but the totality of a number of factors, which include changes to planning and the plans.

at both the State and County level, changes to the intensity and level of residential development in the Neighborhood, changes to the County's housing plans and goals, changes to the importance of the designation of a property as a "Qualified Census Tract" and the designation of properties within the Neighborhood as a "Qualified Census Tract." It is the cumulative impact of these changes that creates the "change in the neighborhood."

- b. In 1997 (five years after the 1992 Charles County Comprehensive Zoning), the State of Maryland's General Assembly adopted a legislative package intended to implement a "Smart Growth" policy. The State's Smart Growth policy created a change in planning both at the State and local level. Smart Growth directs growth (particularly residential growth) into population centers where services and utilities exist or are planned to exist and discourages growth in rural or preservation areas.
- c. The 1997 Smart Growth legislative package included the "Priority Funding Areas ("PFAs") Act". The PFA Act incentivizes Smart Growth by limiting state investment/funding for transportation and other public infrastructure to PFA designated areas. The Martin Knapp Property was, subsequent to the 1992 Comprehensive Zoning, designated as a Priority Funding Area ("PFA") meaning that it is property designated for more intense or urban development. Public water and sewer, road and other public facilities exist and are in place to support development.
- d. In 2004 the County adopted the Waldorf Sub-Area Plan. Per the Sub-Area Plan, the "Development District" is the area which the County has designated as its principal center of population, services, and employment. Waldorf is the County's principal Development District. The Property lies within both the Waldorf Sub-Area and the Development District.
- e. Since 1992, the County has revised its Comprehensive Plan to more closely align with the State's Smart Growth Policy. This includes directing residential development into the Development District as well as the Towns of La Plata and Indian Head. Most recently, the Development District was affirmed by Chapter 10 of the 2016 Comprehensive Plan which envisions community character within the Development District to

[B]e urban, and new development and redevelopment should seek to enhance urban character. This means incorporating concepts such as the following into development planning:

- Compact areas with public and private uses within walking distance.
 - The center of the community having a distinct character or theme.
 - Areas of vitality and diversity, including a mix of commercial, office, residential, public institutional and park uses, which contribute to the concept of community center.
 - Urban character and feel with abutting buildings and smaller setbacks, all organized around a system of city blocks with sidewalks and a formal streetscape.
 - An area with higher residential density mix of single-family, townhomes, and other unit types.
- f. Since 1992 and consistent with the changes to the State and County planning documents after 1992, there has been more intense compact residential development adjacent to and surrounding the Property. This includes, but is not limited to, the Waldorf Astor, an income restricted senior living facility was constructed in 2007 to the rear of the Property; Adams Crossing (a multi-family development), which began construction near JP Ryon Elementary School; Stonebridge Subdivision (consisting of 92 single family dwellings, and 142 townhomes), which commenced construction in 2007; Brookstone Subdivision (consisting of 88 townhomes), which commenced construction in 2021; and the approval of an income restricted Retirement Housing Complex off of Patchwork Place in 2023.
- g. Subsequent to the 1992 Comprehensive Rezoning, the County has invested a considerable effort into the increasing need for quality affordable housing. Such housing is directed toward infill development and development within the Development District. This is the result of a number of housing studies, including but not limited to, the County's 1994 Community Development Housing Plan for Charles County, Maryland; the 2005 Charles County update to the Community Development Housing Plan; the County's 2010 Housing Supply, Demand and Zoning Option Analysis; and the Community Development objectives set forth in the Charles County Comprehensive Plan; and the 2018 "Charles County Housing Initiative Project: Inclusion, Affordability and Diversity" developed in conjunction with the American Planning Association ("APA").
- h. The County has expressed a desire to better serve (by the provision of quality affordable housing) those areas within the County which have been designated by the United States Department of Housing and Urban Development ("HUD") as a Qualified Census Tracts ("QCTs"). The supply of QCTs within Charles County is very limited.

- i. Since the 1992 Comprehensive Zoning, the Martin Knapp Properties have been designated as a Qualified Census Tract ("QCT"). This designation occurred on or about 2003.
9. High Density Suburban Residential ("RH") Zoning is most consistent with both the 2016 Comprehensive Plan, the Waldorf Sub-Area Plan, the Development District and the County's housing goals and objectives. RH Zoning would allow the Property to develop consistent with the development within the surrounding neighborhood.
10. 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.

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 zone the Subject Property to High Density Suburban Residential ("RH") as a Zoning Map Amendment.

