

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**  
**2009 Legislative Session**

Legislative Day # 10

**BILL NO. 2009-08**

**Introduced by: Moreland Properties, LLC**

**Moreland Property**  
**Zoning Map Amendment #09-35, Change from RM to CC**

**Date introduced: 7 / 22 / 2009**

**Public Hearing: 7 / 22 / 2009**

**Commissioners Action: 9 / 15 / 2009**

**Commissioner Votes: WC: Y, EP: Y, RC: Y, SG: Y, GH: Y**

**Pass/Fail: Pass**

**Effective Date: 09 / 25 / 2009 12:01 a.m.**

**Remarks:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

2  
3                                   **2009 Legislative Session**

4  
5           Bill No. 2009-  
6           Chapter. No. 297  
7           Introduced by Moreland Properties, LLC  
8           Date of Introduction 7/22/09

9  
10                                   **BILL**

11  
12           AN ACT concerning  
13           The re-zoning of a 16.10 acre parcel from Medium-Density Residential (RM) to  
14           Community Commercial (CC).

15  
16           FOR the purpose of  
17           Resolving a substantial change in the character of the neighborhood of the existing  
18           zoning classification, pursuant to Article 66B, §4.05(a), of the Annotated Code of  
19           Maryland.

20  
21           BY amending  
22           Charles County Zoning Map 15

23  
24           1.    **SECTION 1.** NOW, THEREFORE, IN DUE CONSIDERATION OF THE  
25           TESTIMONY, FINDINGS OF FACT AND CONCLUSIONS OF LAW  
26           DESCRIBED IN ATTACHMENT “A”, BE IT ENACTED BY THE COUNTY  
27           COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Zoning  
28           Map of Charles County, Maryland, specifically Map 15, Grid 13, Parcel 776,

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in the Sixth Election District Charles County, Maryland, located directly off of northbound U.S Route 301 just south of the intersection of Smallwood Drive and U.S. Route 301 in Waldorf, Maryland, be amended as follows:

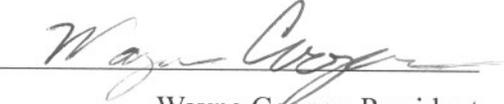
**Re-zone Parcel 776 from Medium-Density Residential (RM) to Community Commercial (CC) as shown on the attached Tax and Zoning Map 15.**

**SECTION 2.** BE IT FURTHER ENACTED, that the change in zoning specified herein is conditioned upon the execution of the Zoning Indenture in accordance with the provisions of §145 of the Code of Charles County, Maryland.

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**SECTION 3.** BE IT FURTHER ENACTED, that this Act shall take effect TEN (10) calendar days after it becomes law.

COUNTY COMMISSIONERS OF  
CHARLES COUNTY, MARYLAND

  
Wayne Cooper, President

  
Edith J. Patterson, Vice President

  
Reuben B. Collins, II

  
Samuel N. Graves, Jr.

  
Gary V. Hodge

ATTEST:  
  
Denise Ferguson, Clerk to the County Commissioners

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**BASE ZONE AMENDMENT ZMA #09-35**  
**CHARLES COUNTY, MARYLAND**

After a public meeting on the proposed Base Zone Amendment #09-35 held July 22, 2009, 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 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 Fact and Conclusions of Law applicable to the proposed Base Zone Amendment ZMA #09-35.

**FINDINGS OF FACT AND CONCLUSIONS**

1. The Petitioner, Moreland Properties, LLC, owner of the property, has requested an amendment to change the existing Medium-Density Residential (RM) zoning to Community Commercial (CC) for the subject property, known as Tax Map 15, Grid 13, Parcel 776.

*The Property*

2. The subject property is identified as Tax Map 15, Grid 13, Parcel 776 in the Sixth Election District of Charles County, Maryland. (Hereinafter “the Property”). The Property is located directly off of northbound U.S. Route 301 just south of the intersection of Smallwood Drive and U.S. Route 301 in Waldorf, Maryland.
3. The Property consists of 16.10 undeveloped acres, more or less and is currently zoned Medium-Density Residential (RM).
4. The Property was zoned Medium-Density Residential (RM) during the

1 1992 Comprehensive Re-zoning.  
2

- 3 5. The Petitioner claims a mistake was made when the Property was “split”  
4 when U.S. Route 301 was constructed and as a result went unaccounted  
5 for in the County Tax Records for 15 years. When this mistake was  
6 identified the Tax Assessors Office began assessing the subject site as its  
7 own parcel (separate from the property zoned Community Commercial  
8 (CC) located on the other side of U.S. Route 301). Due to the sites  
9 location, it was assumed that the parcel was zoned commercial and was  
10 accessed as such. Since that time the property owner has revised the Tax  
11 Records to reflect the current zoning, Medium-Density Residential (RM).  
12
- 13 6. The Property contains approximately 3,800 feet of U.S. Route 301  
14 frontage.
- 15 7. The Property is the only residentially zoned property with frontage along  
16 U.S. Route 301 for approximately 3,700 feet to the north and 1,050 feet to  
17 the south.  
18
- 19 8. Directly opposite U.S. Route 301 is a large tract of Community  
20 Commercial (CC) zoned wooded property that is currently undeveloped.  
21 Other properties adjoining the Property are zoned as Community  
22 Commercial (CC) to the north and west, Residential Office (RO) to the  
23 south and Medium-Density Residential (RM) to the east.  
24  
25

26  
27 ***Procedural History***  
28

- 29 9. In accordance with Article 66B and Chapter 297 of the Charles County Code  
30 (*Charles County Zoning Ordinance*), the Petitioner’s request is based upon a  
31 “Substantial Change in the Character of the Neighborhood” and “Mistake in  
32 the Original Zoning”.  
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10. The Petitioner's application, in accordance with §297-448(B) of the *Charles County Zoning Ordinance*, was filed January 30, 2009.

11. The Planning Commission held a Public Meeting on the application on May 4, 2009.

12. The meeting was properly advertised on April 17, 2009 and April 22, 2009 in the *Maryland Independent*, a newspaper of general circulation within Charles County, Maryland. During the public meeting, three (3) citizens expressed concerns over insufficient storm water management and buffering issues that they believed would result if the re-zoning request was granted. The record was held open until June 4, 2009, during which time no additional testimony was received.

13. On June 15, 2009, the Planning Commission held a work-session and recommended the County Commissioners approval of the Zoning Map Amendment by a unanimous vote based upon a Change in the Character of the Neighborhood only. Sufficient evidence was not found to warrant that a mistake in the existing zoning had occurred. The Planning Commission concluded that the character of the neighborhood had substantially changed as defined by Article 66B of the Annotated Code of Maryland and the Charles County Zoning Ordinance.

14. The County Commissioners held a Public Hearing on July 22, 2009 in the Charles County Commissioner's Hearing Room.

15. The hearing was properly advertised on July 8, 2009 and July 10, 2009 in the *Maryland Independent*, a newspaper of general circulation within Charles

1 County, Maryland. In accordance with 297-448 of the Charles County  
2 Zoning Ordinance, the Property was posted and an affidavit of posting was  
3 received on July 10, 2009.

4  
5 16. During the public meeting three (3) citizens expressed concerns over  
6 insufficient storm water management buffering issues, and private road access  
7 that they believed would result if the re-zoning request was granted.

8  
9 17. The record was held open until August 5, 2009, during which time no  
10 additional testimony was received.

11  
12 18. On September 15, 2009, the Charles County Commissioners held a work-  
13 session and concurred with the recommendations of the Planning  
14 Commission. The County Commissioners voted unanimously to approve  
15 the re-zoning request based upon the cumulative impact of findings of fact  
16 in regards to a Substantial Change in the Character of the Neighborhood

17  
18 ***Neighborhood***

19  
20 19. The neighborhood is defined by St. Patrick's Drive to the west, Billingsley  
21 Road to the south, Smallwood Drive to the north and the railroad tracks to  
22 the east. The Commissioners found that the neighborhood, as defined by  
23 the Petitioner, is acceptable. An aerial exhibit of the defined Moreland  
24 Property neighborhood is attached as Appendix A.

25  
26 ***Change in Neighborhood***

27  
28 20. There is commercial zoning adjoining the Property to the north and west  
29 Additionally, some property to the east is zoned (RO) Residential Office

1 which accommodates a mixture of office and residential uses. South of the  
2 Property is the White Plains Business Park and WaWa Gas Station.

3  
4 21. The Hampton Inn and Carabba's Italian Restaurant have been constructed  
5 on adjacent properties to the north of the Property.

6  
7 22. There was a change to the Master Plan of the portion of the St. Charles  
8 Planned Unit Development (PUD) to permit a mixed use project entitled  
9 Town Center South. Construction has begun on Town Center South, which  
10 includes 691 residential dwelling units, as well as a commercial/retail  
11 element.

12  
13 23. On June 18, 2004 the Charles County Commissioners signed into law  
14 Resolution #2004-69, which adopted the Waldorf Sub-Area Plan. The  
15 Waldorf Sub-Area Plan enabled the substantial change in the character of  
16 the neighborhood and altered the future of development on The Property  
17 via its designation as an Employment Area.

18  
19 ***Consistency with Comprehensive Plan***

20  
21 24. The Property is located within the Urban Core of the Development District  
22 and is designated as 'Development District, Residential District' on the  
23 Comprehensive Plan's Land Use Map. Per the Comprehensive Plan, this  
24 district contains, "a few small areas of commercial, business, and  
25 employment uses".

26  
27 25. The transportation section of the Comprehensive Plan states various goals  
28 and objectives, including "concentrate development density and intensity  
29 in mixed use districts and in the Urban Core to help limit and manage the  
30 spread of traffic congestion and encourage and support alternative modes

1 of transportation”. Additionally, the Comprehensive Water and Sewer  
2 Plan guides development to areas with adequate water and sewerage  
3 systems and facilities to prevent adverse health and environmental  
4 problems related to the use of water supplies. The Property is designated  
5 as W-1 and S-1 on the Comprehensive Water and Sewer Plan.

6  
7 ***Community Commercial Zoning***  
8 ***Consistency with the Comprehensive Plan***  
9

10 26. The Charles County Commissioners find that re-zoning the Property  
11 Community Commercial (CC) is consistent with the Comprehensive Plan.  
12 The Charles County Zoning Ordinance defines the Community  
13 Commercial Zone as an area that *provides a wide range of commercial*  
14 *uses and establishments to serve several neighborhoods in appropriate*  
15 *locations.*

16  
17 27. The U.S. Route 301 corridor lends itself to commercial development due  
18 to location and convenience to serve a concentrated populous. Commercial  
19 zoning of the Property would provide an adequate transition from central  
20 Waldorf to less intense areas such as White Plains.

21  
22 28. In 2004, the County adopted the Waldorf Sub-Area Plan. The Property is  
23 designated as an Employment Area within the Waldorf Sub-Area Plan.  
24 The objectives of an Employment Area are, “to provide well-located  
25 employment areas to encourage economic development and job creation  
26 and to make Waldorf a more balanced community with higher end jobs  
27 producing more economic in-flow beyond Charles County”.

28  
29 The County Commissioners, in consideration of the above Findings of  
30 Fact and Conclusions, hereby determine that there has been a substantial change in the

1 character of the neighborhood warranting a re-zoning of the subject property from  
2 Medium-Density Residential (RM) zone to Community Commercial (CC) zone as a  
3 Zoning Map Amendment. The County Commissioners do not find that there was a  
4 “mistake” in the original zoning.

5 **ORDER**

6  
7 The Property currently zoned (RM) Medium-Density Residential should  
8 be zoned in accordance with the terms and provisions of Chapter 297 of the  
9 Charles County Code within the (CC) Community Commercial Zone as shown on  
10 Zoning Map 15, subject to the following conditions:

- 11
- 12 1. The Petitioner shall provide the required Bufferyard “C” with the  
13 addition of a six (6) foot tall privacy fence along the Property line  
14 between the newly created CC zone and the neighboring RM zone at  
15 such a time if and when development occurs.
  - 16
  - 17 2. Drainage and water run-off created by the development of the  
18 Property will have to comply with all applicable County and State  
19 storm water management regulations and development of the Property  
20 will seek to improve drainage and alleviate run-off issues.
  - 21
  - 22 3. The neighbors of the Property who currently utilize the private  
23 road existing on part of the Property owned by Moreland Properties,  
24 LCC will not have their current ingress/engress to the road denied if  
25 the site is ever developed or the roadway improved in anyway.
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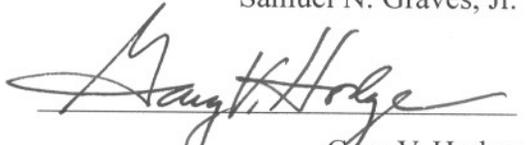
COUNTY COMMISSIONERS OF  
CHARLES COUNTY, MARYLAND

  
Wayne Cooper, President

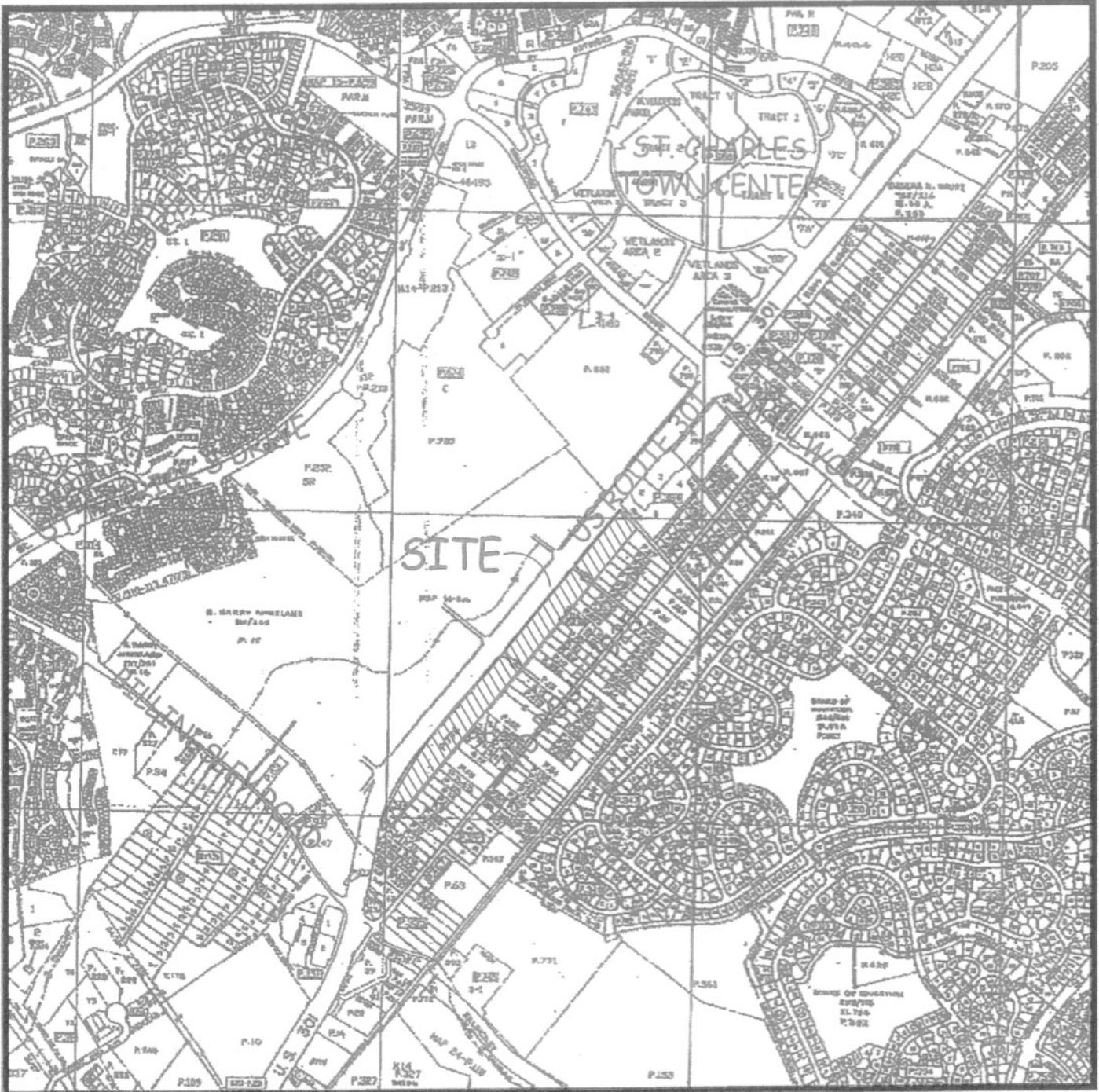
  
Edith J. Patterson, Vice President

  
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Gary V. Hodge

ATTEST:  
  
Denise Ferguson, Clerk to the County Commissioners



TAX MAP 15-GRID 13-PARCELS 776

**MORELAND PROPERTY**  
 APPLICATION FOR LOCAL MAP AMENDMENT: BASE ZONE  
 6TH ELECTION DISTRICT, CHARLES COUNTY, MARYLAND

**APPENDIX C: TAX MAP**

SCALE  
 N.T.S.

DRAWN BY:  
 CHECKED BY:

JANUARY, 2009

CONTRACT  
 REFERENCE 099010

LORENZI, DODDS, AND GUNNILL, INC.  
 ENGINEERS ARCHITECTS  
 PITTSBURGH, PA WALDORF, MD

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