

## **ATTACHMENT A**

### **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

#### **ZONING MAP AMENDMENT #22-02**

After a public hearing on the proposed Zoning Map Amendment, held \_\_\_\_\_, 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 22-02 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 8.33 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 Properties. Nor is it clear that in 1992 the Commissioners knew a portion of the Bragg Properties were located within the jurisdiction of Charles County, Maryland. The Bragg Properties have no Charles County Tax Identification Number.
8. The Commissioners find that the underlying assumptions or premises relied upon by the Charles County Commissioners in 1992 Comprehensive Rezoning were either incomplete or incorrect and that there has been a "mistake" warranting zoning the Subject Property Community Commercial ("CC").
9. 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.
- b. The majority of the Bragg Property and the entire frontage of the Bragg Property lie within St. Mary's County. The frontage of the Bragg Property, which is located in St. Mary's County, Maryland, is zoned Town Center Mixed Use/TMX.
- 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 physical access to the Bragg Property via the Oakland Subdivision and the Oakland Subdivision Plats provide no legal 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 physical access to the Bragg Property via the Karen Knolls subdivision. The Karen Knolls subdivision plats provide no legal mechanism for access.
  - ii. The platted and developed subdivisions known as Oakland and Karen Knolls make the Bragg Property physically and legally 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 envisions 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.
10. In 1992, The Commissioners did not take into account the cumulative impacts of the bifurcation of the Bragg Properties, the lack of legal and physical access to the Property from within Charles County, the Property's location at the gateway of both Charles and St. Mary's County, the fact that the majority of the Property lies within St. Mary's County, the fact that St. Mary's County has consistently exercised jurisdiction over the Bragg Properties and the Property's proximity to commercial development.
11. 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 and consistent with the Town Center Mixed Use/TMX zoning within St. Mary's County.
12. Rezoning the Property to allow for more intense commercial development along the Three Notch Road/Route 5 corridor near 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. Both the Charles County Department of Economic Development and the St. Mary's County Department of Economic Development support zoning the Property CC.

13. Zoning the Property CC meets the following Goals set forth in the 2016 Charles County Comprehensive Plan:

- Comprehensive Plan **Goal 3.6** sets as a goal the location of future employment uses “in or near existing employment areas, including selected villages.” The Bragg Property is less than one (1) mile from Hughesville Village. The Bragg Property is approximately one (1) mile from the Hughesville Village Center. The property is within the Charlotte Hall Town Center

- The property is within the Charlotte Hall Town Center . **Goal 3.7** states

Coordinate on regional issues by nurturing good, working relationships with the State, with neighboring jurisdictions especially Calvert, Prince George’s, and St. Mary’s Counties, and with the Towns of Indian Head and La Plata through planning agreements, plan referrals, information sharing, and consultations

- Chapter 7, Economic Development of Comp Plan encourages commercial corridor revitalization and infill development.
- Rezoning Consistent with Charles County’s 2016, Garner Analytics “2016 Competitive Realities Report” aimed at developing an economic development strategy for Charles County. The Report recommended creating and improving gateways in and throughout the County.

### **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 Community Commercial (“CC”) as a Zoning Map Amendment.