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**STAFF REPORT**  
Planning Commission Meeting of  
April 13, 2015

Agenda Item #1

- Reviewed in accordance with the 2010 Comprehensive Plan, and Zoning Ordinance #10-02

I. **DEVELOPMENT DATA:**

CONCEPT SITE PLAN # 13-13200010, LEXINGTON PARK FORD

(Zoning Ordinance 10-02) (Use # 75)

OWNER: Kody Holdings, LLC

AGENT: Soltesz

LOCATION: 22667 Three Notch Rd, California, 20639

TM-043 GRID-02 PAR-0414 ED-08 TAX ID-047383

TM-043 GRID-01 PAR-0010 ED-08 TAX ID-050635

ZONING: CMX/CC

ACREAGE: 21.44

ACTION REQUESTED: Concept site plan approval for 45,648 square foot car dealership.

II. **NOTIFICATION:**

The property and hearing request were advertised in *The Enterprise* on March 25, 2015 and April 1, 2015. The property has been posted and certified mail receipts have been submitted for the required mailings.

II. **APPLICABLE REGULATIONS**

a. **St. Mary's County Comprehensive Plan**

1. Section 4.1.1 Goal: Concentrate development in suitable areas.
2. Section 4.1.1.A. Policy: Concentrate commercial uses primarily in Leonardtown and Lexington Park, and secondarily in the town and village centers.
3. Section 4.1.1.A Policy: Work with the Maryland State Highway Administration to manage state road access points for existing and planned development.
4. Section 4.1.1.B Policy: Maintain visual and functional qualities of development through adherence to site standards.
5. Section 4.1.3 Apply excellent community design principles to the built environment, especially in the development districts, town centers, and village centers.
6. Section 4.1.3.F. Objective: Site design that maximizes attractiveness and connectivity.

b. **St. Mary's County Comprehensive Zoning Ordinance**

1. Section 60.6 Concept Site Plan

2. Section 61.3 Lighting Standards
3. Section 62.3 Countywide Design Objectives
4. Section 62.6 Commercial and Mixed Use Development Standards
5. Section 63.2 Landscaping Requirements
6. Section 63.3 Buffer Yard Requirements
7. Section 64. Parking Requirements
8. Section 70 Adequate Public Facilities

### III. **BACKGROUND INFORMATION:**

- a. The concept-site plan was reviewed during the September 2013 TEC cycle.
- b. An administrative variance to remove one tree with a diameter of 30 inches or more was approved on 8/14/14.

### IV. **OUTSTANDING ISSUES:**

- a. Final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval.
- b. A 65' 'B' buffer yard is required along Three Notch Road. A variance will be required to reduce this buffer yard to a 35' 'B' buffer yard.
- c. Traffic mitigation, per memorandum from Department of Public Works & Transportation dated February 7, 2014 attached.


### V. **STAFF ANALYSIS:**

- a. Location Analysis – This project is located on the southbound side of Three Notch Road just north of MacArthur Boulevard. This project is new development on this site.
- b. Site Analysis – The site consists of two tracts totaling 21.44 acres. These tracts are split by the Board of County Commissioners right of way and the future FDR boulevard right of way. All proposed development is to be on the northern side of the property, Tract 1, and is zoned CMX. The site is currently undeveloped. Staff believes the site is well suited for the proposed use.
- c. Sensitive Areas Analysis – Staff has determined that this site contains no sensitive areas that would affect the proposed development.
- d. Overall Project Analysis – This plan proposes one auto sales and service building of 45,648 square feet, including a showroom, service administration and reception area, sales area and reception, parts storage, service department with 21 stalls and a carwash and detail bay area. Any further development would require concept site plan review and Planning Commission approval.
- e. Entrance and Traffic Flow – This plan proposes upgrading an existing entrance and creating an additional entrance from Maryland Route 235, which will require justification to State Highway Administration. The connected parking lot will be multi-directional. Drive isles and parking are designed in such a manner as to allow for smooth traffic flow throughout the site. The plan contains provisions for inter-parcel connection to the east and west.
- f. Parking – Schedule 64.3.1 sets the maximum parking for each use. The parking requirements for this site have been met. There is sufficient landscaping proposed to encompass the 200 square feet of landscaping required per parking spot proposed above the maximum.

- g. Buffer Yard Requirements – A 65' 'B' buffer yard is required along Three Notch Road. A variance will be required to reduce this buffer yard to a 35' 'B' buffer yard. A 15' 'A' buffer yard is proposed along the the Board of County Commissioners right of way. A 30' 'C' buffer yard is proposed along the adjoining residential property to the east.
- h.
- i. Landscaping and Lighting –The concept landscaping and lighting plan is acceptable for concept approval.
- j. Other Special Considerations – Staff has not identified any other issues that require special consideration.
- k. Section 60.6.3 states: At a regularly scheduled meeting, the Planning Commission shall receive information regarding the concept site plan from the applicant and the Technical Evaluation Committee (TEC). In addition, the Planning Commission shall consider any information presented by the public.
- l. Section 60.6.4 of the zoning ordinance requires the Planning Commission to make findings that the proposed development (*staff comments in italics*):
1. Is consistent with the Comprehensive Plan and applicable functional plans:  
*Staff Analysis: This project is within the Lexington Park development District, an area where growth is to occur. The site is zoned Corridor Mixed Use (CMX) in the portion of the site where development is proposed. Staff believes this project is consistent with, and promotes the goals and objectives of the Comprehensive Plan.*
  2. May be served by adequate public facilities as required by Section 70.2.2; and  
*Staff Analysis: This site is to be served by a public water and sewer system. As part of the review process, the availability of all adequate facilities will be further defined and resolved through subsequent engineering studies and the final design will be in accordance with Chapter 70 of the zoning ordinance. For the purpose of approving the concept plan, staff has not identified any issues that would prevent a favorable determination that adequate facilities are, or could be made available for this project. Should an issue arise; no site plan approval will be granted until Chapter 70 requirements have been met.*
  3. Is consistent with the County Annual Growth Policy, including any required phasing plans:  
*Staff Analysis: The proposed commercial use is not subject to the Annual Growth Policy.*
  4. Will promote the health, safety and welfare of the general public  
*Staff Analysis: The construction and operation of the auto sales and service business will provide additional job opportunities to the area. This project will also provide an additional auto service option to the development district.*
  5. Adequately developed recreational and other community amenities are provided in accordance with the Comprehensive Plan and the Comprehensive Zoning Ordinance.  
*Staff Analysis: Staff believes that given the proposed use, this requirement is not practical for this site.*
  6. Is consistent with countywide design objectives  
*Staff Analysis: The proposed building is a modern design. The entrances for the proposed building are clearly defined and a human scale has been attained. Staff believes this project is consistent with the countywide design objectives of Chapter 62 of the Comprehensive Zoning Ordinance.*

**VI. RECOMMENDATION:**

1. Staff believes this plan is in keeping with the goals and objectives of the Comprehensive Plan. Staff recommends approval of this Concept Site Plan.
  
- b. Staff offers the following motion (with modifications and additions pending discussion):
  1. **Motion for Approval:** "In the matter of CCSP #13-13200010, Lexington Park Ford, having accepted the staff report and having made a finding that the objectives of Section 60.5.4 of the zoning ordinance have been met, and noting that the referenced project has met all requirements for concept approval, I move that the concept site plan be APPROVED, with the condition that the required variance be obtained."

Signed: Hannah Pinkerton   
Hannah Pinkerton, Planner II  
March 31, 2015

**ATTACHMENTS:** Attachment 1 – Location Map  
Attachment 2 – Metropolitan Commission Approval slip  
Attachment 3 – St. Mary's County Soil Conservation District Approval Slip  
Attachment 4 – Department of Public Works Approval Slip and Mitigation Letter  
Attachment 5 - State Highway Administration Approval Slip  
Attachment 6 – Site Plan and Architectural Elevation Drawings

Cc: Kody Holdings, LLC  
c/o Tom Kody  
2440 Crain Highway  
Waldorf, MD 20601

Soltesz  
c/o Jim Gotsch  
23140 Moakley Street, Suite 6  
Leonardtown, MD 20650



**St. Mary's County Metropolitan Commission**  
23121 Camden Way, California, MD 20619

Serving St. Mary's County  
Potable Water Distribution - Wastewater Collection / Treatment

Phone: 301-737-7400  
FAX: 301-737-7458

**UPDATED**  
**TEC AGENCY APPROVAL VERIFICATION SLIP**  
**TRANSMITTAL FOR PLANNING COMMISSION REVIEW**

**TO:** Department of Land Use and Growth Management, Attn: Phil Shire  
**FROM:** St. Mary's County Metropolitan Commission  
**RE:** 13-132-010 Lexington Park Ford (2 Buildings)  
Control Number and Project Name  
**DATE:** March 12, 2015

The above-referenced project satisfactorily addresses the TEC comments and is ready for approval for the Planning Commission.

YES   X   NO           

1. Water and sewer construction plans are required for MetCom review and approval. Please submit construction plans, all necessary review fees, and the review checklist directly to MetCom for review.

SIGNATURE: \_\_\_\_\_

*Christy Hollander*

Christy Hollander, P. E., Assistant Engineer

ATTACHMENT   2

**Bob Bowles - Revised Lexington Park Ford CONCEPT SWM E&S plan**

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**From:** "Jane Sanders" <Jane.Sanders@stmarysscd.com>  
**To:** "Brian Brookhart" <bbrookhart@solteszco.com>  
**Date:** 2/24/2015 9:39 AM  
**Subject:** Revised Lexington Park Ford CONCEPT SWM E&S plan  
**CC:** "Bob Bowles" <Bob.Bowles@stmarysmd.com>  
**Attachments:** image001.jpg *13-132010*

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February 24, 2015

Brian,

The revised CONCEPT SWM E&S plan for Lexington Park Ford is approvable.

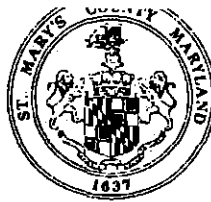
Thanks,

Jane Sanders  
St. Mary's Soil Conservation District  
26737 Radio Station Way  
Leonardtown, MD 20650  
301-475-8402, x109  
FAX: 301-475-8391  
[www.stmarysscd.com](http://www.stmarysscd.com)



ATTACHMENT 3

ST. MARY'S COUNTY GOVERNMENT  
DEPARTMENT OF  
PUBLIC WORKS & TRANSPORTATION  
George A. Erichsen, P.E., Director



James R. Guy, President  
Michael L. Hewitt, Commissioner  
Tom Jarboe, Commissioner  
Todd B. Morgan, Commissioner  
John E. O'Connor, Commissioner

March 10, 2015

Mr. James M. Gotsch, P.E.  
Soltesz Company  
23140 Moakley Street, Suite 6  
Leonardtown, Maryland 20650

Re: Lexington Park Ford, Concept Plan  
File #10-132-010

Dear Mr. Gotsch:

This Department has approved the revised concept plan submitted on February 13, 2015. Per the Concept Checklist Item #25, once the concept stormwater management and sediment and erosion control plan approval is obtained from all applicable review agencies, the project may proceed to the site development phase (Phase 2) per Section 3.11.3 on Page 23 of the St. Mary's County Stormwater Management Ordinance.

Prior to Phase 2 Site Development Plan and final site plan approval, the following will be required:

- As the 'future' building is not shown on the concept plan it is noted that the size is twice what was previously approved (i.e., 32,141 sf versus 19,260 sf. It is understood that stormwater management for the future building must be reviewed at the time the next phase is proposed to assure rooftop runoff is captured and addressed.
- As the proposed Filterra F-15 captures a contributory drainage area of 22,295 square feet (21,029 square feet of impervious area) consider using two (2) devices to capture smaller drainage areas to adequately handle runoff from DA#15. Typically the maximum drainage area for a Filterra device is 0.5 acre or 21,780 square feet.
- Label the proposed Aqua Swirl manholes as pretreatment for the underground infiltration system.
- Adequate outfall must be demonstrated for runoff captured from drainage areas to the south and routed across Maryland Route 235 through the existing pipe near Station 2230+00. Analyze the stream channel downstream to assure stream bank erosion will not occur.
- It is understood that adequate public facilities and the Traffic Mitigation Plan must be addressed. Per correspondence from John Groeger, dated February 7, 2014 (File #13-132-010) this Department would entertain accepting a land donation in lieu of a fee-in-lieu payment. In addition, this Department has agreed to the optimal access locations to the future FDR Boulevard.

If you have any questions or comments, please do not hesitate to contact this Department.

Very truly yours,

Margaret C. Lewis  
Engineer

cc: Brian Brookhart, Soltesz  
Tom Kody, Kody Holdings, LLC  
Steven D. Foster, MSHA Access Permits  
Bob Bowles, Department of Land Use and Growth Management  
Bruce Young, St. Mary's Soil Conservation District

S:\MCML REVIEW\LS Lex Ford - Rev Concept (2).doc

P.O. BOX 508 • THE ARNOLD BUILDING • 44825 ST. ANDREWS CHURCH RD. • CALIFORNIA, MD. 20619  
PHONE 301.863.8400 • FAX 301.863.8810 • www.co.saint-marys.md.us

ATTACHMENT

4





**MEMORANDUM**

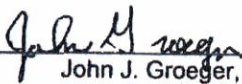
DATE: February 7, 2014  
 TO: Phil Shire, Director  
 Department of Land Use and Growth Management  
 FROM: John J. Groeger, P.E.  
 Deputy Director  
 RE: Kody – Three Notch Road, 13-132-010  
 Traffic Mitigation Plan



This is in regard to adequate public facilities for the referenced site. We have reviewed the traffic impact study, which concluded that both analyzed major intersections on MD Route 235 (MD Route 237/Maple Road and Millstone Landing Road) will fail based on the critical lane analysis. Since the Applicant has identified no possible geometric improvements to offset the impact on these intersections, it may be reasonable to accept a fee-in-lieu towards the FDR Boulevard project, which will improve the level-of-service at each of the affected intersections. The segment of FDR Boulevard between MD Route 237 and Buck Hewitt Road would provide mitigation for this site. Consistent with other similar developments, the following is offered for the Applicant's use in proffering a fee-in-lieu of improvements to satisfy APF for this development.

Intersection	AM CLV INCREASE	PM CLV INCREASE	% of Background Worst Hour	FEE-IN-LIEU towards \$4.9M project
MD 235 and MD 237/Maple Rd	19	7	1.1%	
MD 235 and Millstone Landing Road	3	22	1.5%	
Site Access	N/A	N/A	N/A	
<b>Average of 2 intersections</b>			<b>1.3%</b>	<b>\$63,700</b>

This Department is currently designing this phase of FDR Boulevard, which alignment runs through the Kody property, and would entertain accepting a land donation in lieu of a fee-in-lieu payment. It is trusted that the above will assist you in your determination of Adequate Public Facilities for this site. If you have any questions regarding the above comments, please do not hesitate to contact this Department.

  
 John J. Groeger, P.E.

JJG:dlh

cc: Kody Holdings, LLC  
 Ken Schmid, Traffic Concepts, Inc.  
 Jim Gotsch, P.E., Soltesz  
 Steve Foster, SHA Access Permits

S:\JGROEGER\shire kody three notch road mitigation

ATTACHMENT 4



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor



James T. Smith, Jr., Secretary  
Melinda B. Peters, Administrator



July 1, 2014

RE: St. Mary's County  
MD 235, south side  
1,400 feet east of MD 237  
**Lexington Park Ford**  
**SHA Tracking No. 14APSM001XX**  
**County No. 13-1320010**  
Point-by-Point Response  
Mile Point 14.65

Mr. Jim Gotsch  
Soltesz, Inc.  
23140 Moakley Street #6  
Leonardtown, Maryland 20650

Dear Mr. Gotsch:

Thank you for the opportunity to review the *point-by-point* response prepared by Soltesz, Inc., dated May 15, 2014, for the Lexington Park Ford commercial development in St. Mary's County, Maryland. The Maryland State Highway Administration (SHA) review is complete and we are pleased to respond.

The review determined the major report findings and the SHA comments and conclusions as follows:

- Access to the 30,000 square feet of automobile sales is proposed via two (2) right-in/right-out only site accesses to MD 235.
- The study analyzed the following intersections under existing, background and future conditions:
  - MD 235 at MD 237
  - MD 235 at Millstone Landing Road
  - MD 235 at Site Access 'A'
  - MD 235 at Site Access 'B'
- The report concludes that the MD 235 intersection with MD 237 and the MD 235 intersection with Millstone Landing Road are forecast to operate at Level-of-Service (LOS) 'E' or worse under total traffic conditions based on Critical Lane Volume (CLV) analysis. SYNCHRO analysis of these intersections shows that the MD 235 intersection with Millstone Landing Road is projected to operate at acceptable levels of service, while the MD 235 intersection with MD 237 is still projected to operate at LOS 'F'.

My telephone number/toll-free number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.roads.maryland.gov](http://www.roads.maryland.gov)

ATTACHMENT

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Mr. Jim Gotsch  
14APSM001XX  
Page No. 3  
July 1, 2014

Ms. Rola Daher, SHA DSED  
Ms. Mary Dietz, SHA RIPD  
Mr. Bob French, SHA CPD  
Mr. Roy Gothie, SHA RIPD  
Mr. Derek Gunn, SHA DSED  
Ms. Michelle Madzellan, SHA AMD  
Mr. Greg Phillips, SHA District 5  
Mr. Saed Rahwanji, SHA TDSD  
Ms. Erica Rigby, SHA AMD  
Mr. Lee Starkloff, SHA District 5  
Mr. Errol Stoute, SHA TDSD  
Mr. Bill Stroud, SHA CPD  
Mr. Morteza Tadayon, SHA DSED  
Ms. Kim Tran, SHA District 5  
Mr. Eric Waltman, SHA AMD





HOLLOW

SPRUCE

ELM

MAPLE

THREE NOTCH

THREE NOTCH

MILLSTONE LANDING

MERCEDES

SITE

FIRE DEPARTMENT

CHANCELLORS RUN

DEE

SAYRE

ARMISWORTHY

HALSEY

FDR

SARA

OLIVER

NOLTE

NORTH POTEA

NORTH SPRINGSTEEN

SOUTH POTEA

NOVOSEL

MACARTHUR

CORNWALL

SHIELDS

HERRING

CHURCH