

**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

William B. Hunt, AICP, Director



COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy, President
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Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

STAFF REPORT

Planning Commission Meeting
of July 13, 2020

Agenda Item #1

- **Reviewed in accordance with the St. Mary's County Comprehensive Zoning Ordinance #10-02**

ACTION REQUESTED: Review of a concept site plan for a 3,500 square foot convenience store and 3,183 square foot fuel sales canopy.

I. DEVELOPMENT DATA

CONCEPT SITE PLAN #19-13200001, 7-Eleven Callaway
(Zoning Ordinance 10-02) (Use #48, Convenience Store) (Use #60, Fuel Sales)
OWNER: George M. Bowes Sr. and Loriann M. Bowes
AGENT: Bohler Engineering
LOCATION: Southeast corner of Point Lookout Road (Route 5) and Piney Point Road (Route 249).
TM-0050 GRID-0016 PAR-0117, 0259 ED-02 TAX ID-006103, 011123
LAND USE: Mixed-Use Low-Intensity
ZONING: Village Center Mixed Use (VMX)
ACREAGE: 1.13

CZO 31.9 Purpose of the Village Center Mixed Use District (VMX).

The regulations for the Village Center Mixed Use District provide opportunities for residential development and compatible commercial development at locations and at a scale designated by the Comprehensive Plan as village centers. This type of district is not intended to create an urban character.

Comprehensive Plan Page 3-6

Village Centers. Third order growth centers are Callaway, Chaptico, Clements, Loveville, Ridge, St. Inigoes, Valley Lee: intended to serve as the focus for rural community facilities, services and activities. (Receiving areas for transferred development rights.)

CZO Article 5 Use Type 48: Convenience Store.

Retail establishment engaged in the sale of prepackaged food products, household items, newspapers and magazines and sandwiches and other freshly prepared foods for off-site consumption.

CZO Article 5 Use Type 60: Fuel Sales.

Establishments engaged in the retail dispensing or sale of vehicular fuels and lubricants or household propane.

II. PUBLIC HEARING NOTICE REQUIREMENTS (CZO 21.3):

The public notice for the Planning Commission Public Hearing was published in *The Enterprise* on July 3, 2020 and July 10, 2020. The property has been posted in accordance with CZO requirements, Section 21.3.3. Certified mail receipts have been received and have been entered into the record of this public hearing.

III. BACKGROUND INFORMATION:

- a. The Concept Site Plan was reviewed at the TEC meeting held on January 23, 2019.

IV. APPLICABLE REQUIREMENTS:

- a. St. Mary's County Comprehensive Plan. The land use for the subject property is Mixed-Use Low-Intensity. A map showing the property and the land use designation is attached.
- b. St. Mary's Comprehensive Zoning Ordinance. The zoning for the subject property is Village Center Mixed Use, VMX. A map showing the property and the zoning designation is attached.
 - 1) Schedule 50.4: The use of Convenience Store (#48) and Fuel Sales (#60) are permitted uses in the VMX zoning district.
 - i. Section 51.3.48.a.: General Standards (Convenience Store):
 - Site plan approval shall be required.
 - When facility has accessory motor fuel sales, the number of vehicle fueling positions shall meet the requirements for Motor Fuel Sales.
 - Where adjacent to existing residential or office uses, provide a "C" buffer yard.
 - ii. Section 51.3.60.a: General Standards (Fuel Sales):
 - Site plan approval shall be required
 - Filling station pumps may occupy required setback areas, provided they are not less than 20 feet from right-of-way lines.
 - The area under a canopy roof or 300 square feet per fuel dispensing station whichever is greater shall be included when calculating overall FAR on the site.
 - Facility shall provide sufficient queuing space for anticipated volume over the peak 15 minute period (based on an analysis of the anticipated drive-through traffic volume submitted by the applicant).
 - Openings for filling tanks and vents shall be located a minimum of two feet above the 100 year flood elevation or V-zone elevation (as applicable) and be protected from drive aisles and associated traffic. Flood Elevation Certificate shall be required. Tanks in the floodplain shall be anchored to prevent floating.
- c. 60.6. Concept Site Plan
 - 1) For all **non-residential** and multi-family residential projects that require major site plan approval, a concept site plan shall first be approved by the Planning Commission before the major site plan may be processed for approval by the Planning Director.
 - 2) The applicant shall create a phasing plan if the project size exceeds the County Annual Growth Policy. (**Not applicable**)
 - 3) At a regularly scheduled meeting, the Planning Commission shall receive information regarding the concept site plan from the applicant and the TEC. In addition, the Planning Commission shall consider any information presented by the public.
 - 4) In order to approve the concept plan, the Planning Commission shall make findings that the proposed development:
 - i. Is consistent with the Comprehensive Plan and applicable functional plans; the land use is Mixed-Use Low-Intensity and the zoning is Village Center Mixed Use, VMX.
To be determined by the Planning Commission
 - ii. May be served by adequate public facilities as required by Section 70.2.2.
To be determined by the Planning Commission
 - iii. Is consistent with the County Annual Growth Policy, including any required phasing plans;
Not Applicable
 - iv. Will promote the health, safety, and welfare of the general public;

To be determined by the Planning Commission

- v. Adequately developed recreational and other community amenities are provided in accordance with the Comprehensive Plan and the Comprehensive Zoning Ordinance;

To be determined by the Planning Commission

- vi. Is consistent with Chapter 62 design objectives.

To be determined by the Planning Commission

- d. Section 61.3.1 Lighting Standards: Not shown on the Concept Site Plan; will be addressed on the Major Site Plan.
- e. Section 62.3.1 Countywide Design Standards: Shown on the Concept Plan. Compliance to be determined by the Planning Commission as part of its review of section 60.6.4.vi .
- f. Section 63.2. Landscaping: Conceptual landscaping has been shown on the Concept Site Plan and must be approved by the Planning Commission. The applicant must make application to the Zoning Board of Appeals for a reduction in the required interior plantings (10% of the net area of the parking facility).
- g. Section 63.3. Buffer Yard Requirements: A Type B buffer yard is required on Point Lookout Rd. and Piney Point Rd. The applicant must make application to the Zoning Board of Appeals for a reduction in the Type B buffer yard requirements. A Type C buffer yard, reduced from 30' to 15', is required on the East property line. A Type C buffer yard is required on the Southern property line.
- h. Section 64 Parking Requirements: The number of parking spaces required is 27 spaces. The plan proposes 22 parking spaces including 1 ADA space. The applicant is requesting a reduction of 5 required maximum parking spaces.
- i. Section 71 Sensitive Area Analysis: Staff has determined that this site of 1.1 acres contains no sensitive areas that would be affected by the proposed development.

V. OUTSTANDING ISSUES:

VI. MOTION: In the matter of CONCEPT SITE PLAN # 19-13200001, 7-Eleven Callaway, having accepted the staff report and having made a finding that the objectives of Section 60.6 of the Comprehensive Zoning Ordinance have been / have not been met, and noting that the referenced project has / has not met all requirements for concept approval, I move that the concept site plan be DENIED / APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS:

VII. FINAL APPROVAL:

Following approval of the concept site plan, a final site plan must be prepared and approved by the TEC agencies and Director of the Department of Land Use and Growth Management (CZO 60.6. 1. f. 6). Approval of a final site plan by the Director shall be based on a determination that adequate public facilities, as defined in Sections 70.7 through 70.12, will be available to serve the new development. Prior to signature approval of any site plan approved by the Planning Director, all necessary legal arrangements and financial guarantees required under this chapter shall be executed (CZO 70.2.2).

VIII. EXPIRATION:

An approved **concept site plan** shall expire two years after the date of such approval unless final site plan approval has been obtained. Final approval of a major or minor site plan submitted under the provisions of this chapter shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith (CZO 60.9.1). A single one-year extension may be given by the Director

upon written request by the applicant to be made within 30 days before the expiration of the **approved concept site plan** or final site plan. The Planning Director shall act on the request within 15 days of receipt of the request (CZO 60.9.2).

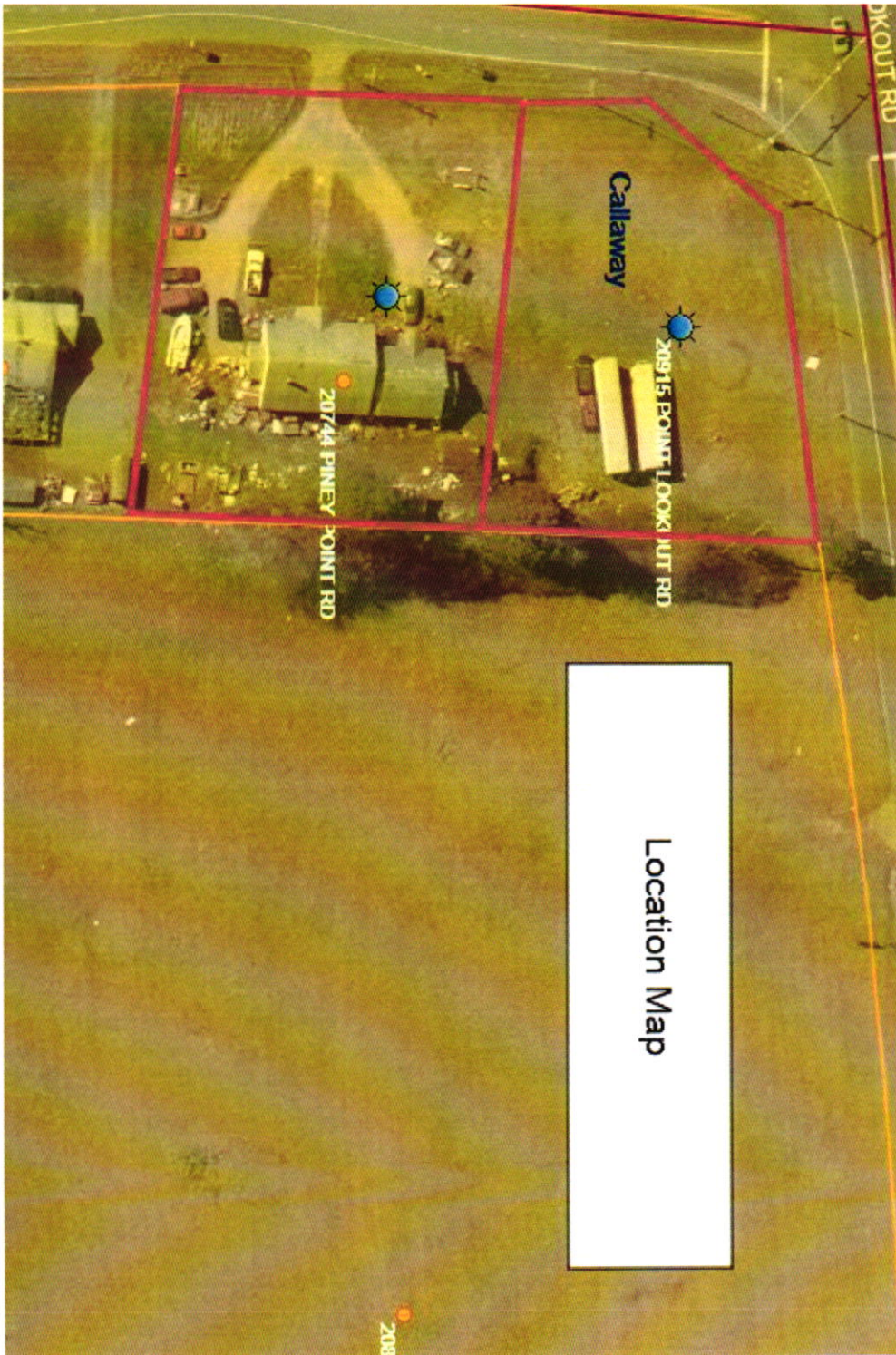
Signed: 
Brandy Glenn, Planner III
September 20, 2019

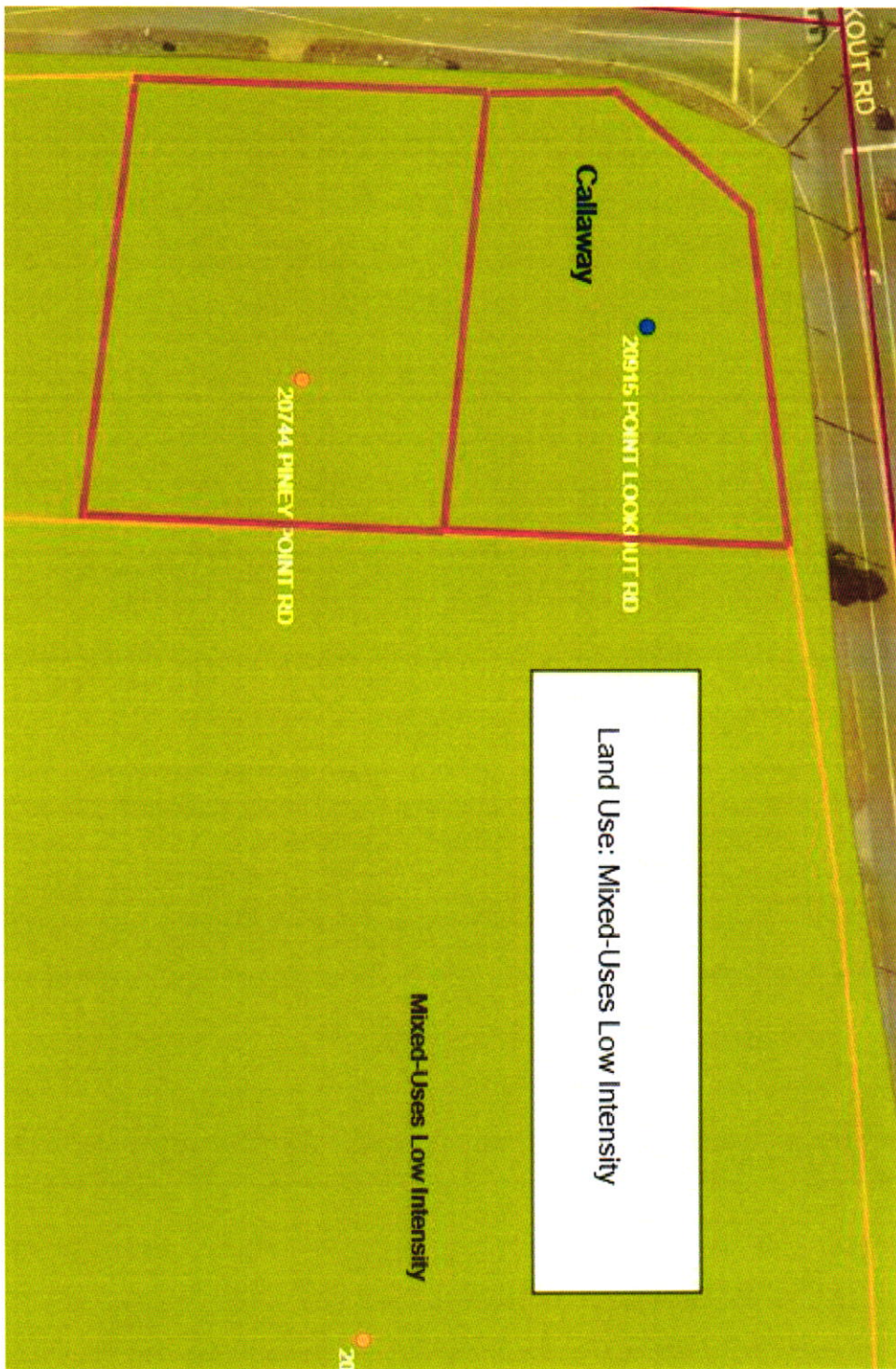
ATTACHMENTS:

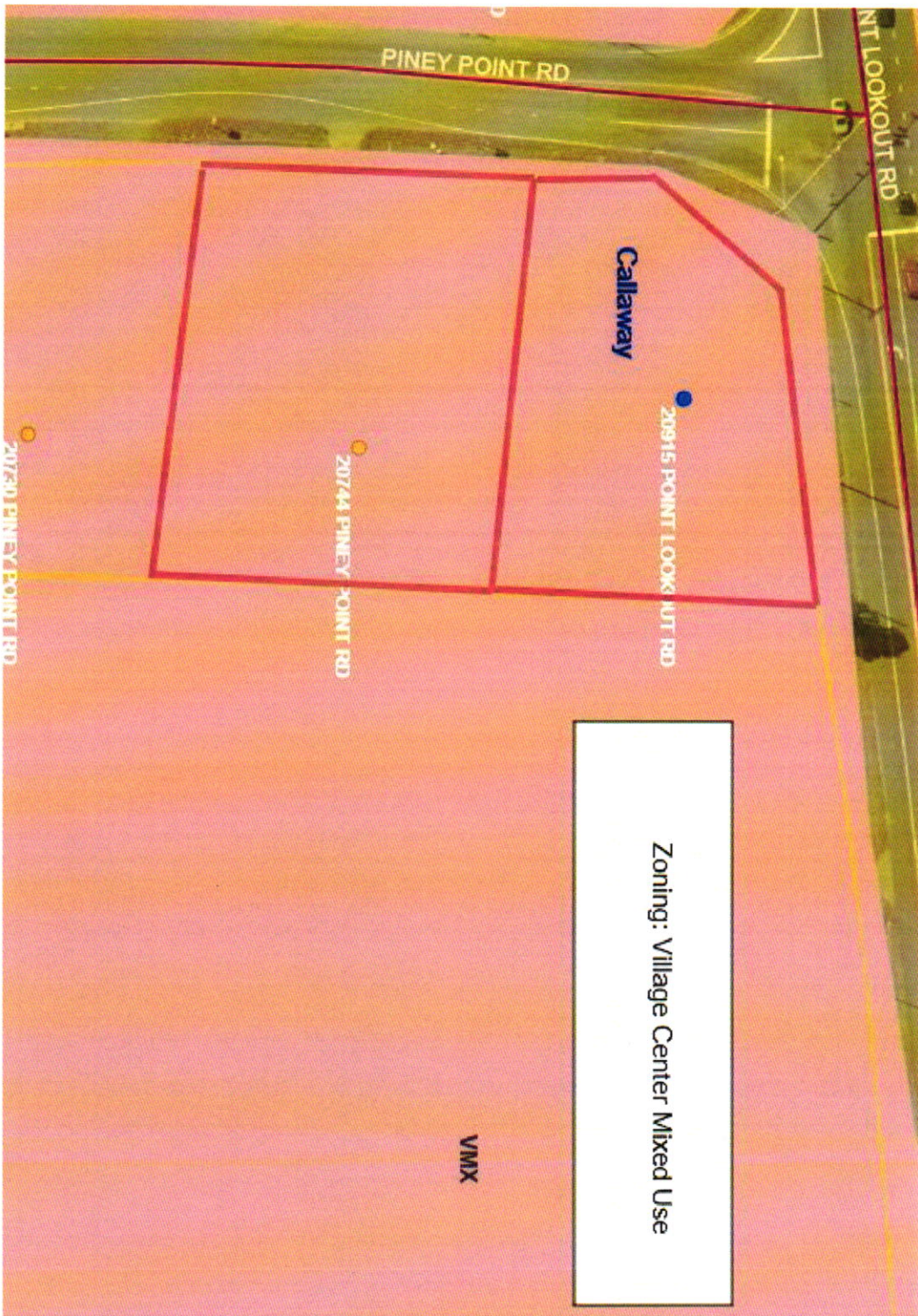
- Attachment 1 – Location Map**
- Attachment 2 – Land Use Map**
- Attachment 3 – Zoning Map**
- Attachment 4 – Site Plan**
- Attachment 5 – Conceptual Rendering**
- Attachment 6 – Adequate Public Facilities Report**
- Attachment 7 – Department of Public Works and Transportation Approval**
- Attachment 8 – State Highway Administration Approval**
- Attachment 9 – Metropolitan Commission Approval**
- Attachment 10 – Health Department Approval**
- Attachment 11 – St. Mary's Soil Conservation District Approval**
- Attachment 12 – Traffic Impact Study**
- Attachment 13 – Parking Reduction Letter**

cc 7-Eleven, Inc
c/o Brianne Wilson
3200 Hackberry Court
Irving, TX 75063

Bohler Engineering







Adequate Public Facilities Report to Department of Public Works & Transportation

Name of Development 7-Eleven Callaway

Date July 16, 2019

LU&GM Case File No. 19-132-001

Checked By [Signature]

1. In accordance with Article 7 of the St. Mary's County Comprehensive Zoning Ordinance, public roads within this development will be designed and constructed in accordance with the St. Mary's County Road Ordinance, and shall adequately accommodate vehicular traffic projected by this Department.

The Development must be served by roads which have a Level of Service "D" in development districts or Level of Service "C" in all other areas.

List existing roads and intersections that are directly affected by the proposed Development. Include from the point of first egress from and ingress to the proposed Development to the intersection with the first County collector road or State road in all directions.

2. This project is inside / outside (circle one) the Development District
3. Describe Existing Geometry, Road Conditions, ADT, PHV, LOS and Existing Speed Limit

Existing Road(s)	Lane Width	Shoulder Width & Type	ADT	PHV	LOS	Existing Conditions
MD 5	12 feet	10-12 feet/Paved	18,025	~1,700	C-D	45 MPH
MD 249	12 feet	10-12 feet/Paved	5,785	~800	A	50 MPH

4. If direct residential access to a public road is proposed, existing # lots & dwellings currently served by the access road = 1 Residential
5. Additional # lots or units proposed = N/A
6. Size of commercial/industrial building = 12 fueling positions/3,500 SF of Store
7. Projected Zoning Ordinance or ITE trip generation rates = ITE LU Code 960(multi-variable formula)
8. Specify independent variable used in computing ITE trip generation rates = Fueling Positions & Square Feet
9. Proposed ADT: 2788 Total Trips Proposed PHV: 139 AM / 154 PM Proposed LOS: C or better at site

10. Specify proposed/future improvements to the public facility:

Study to include the intersections of MD 5 & MD 249, MD 5 & MD 471, and MD 249 & Happyland Rd. and site access points.

The developer will not be required to make any improvements to the public facility since all of the study intersections meet the adequacy requirements.

SHA has reviewed and approved the TIA without comments or need for improvements.

11. CERTIFICATION

I hereby certify that the data shown hereon is correct, existing conditions are as stated, and projected traffic volumes will not lower the Level of Service below an acceptable Level of Service after development.

Signed: [Signature]

Date 7-16-19

ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF
PUBLIC WORKS & TRANSPORTATION
John Deatruck, P.E., AICP, LEED BD+C
Director



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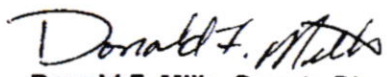
MEMORANDUM

DATE: August 8, 2019
TO: Bill Hunt, *Director*, Department of Land Use & Growth Management
FROM: Donald F. Mills, *Deputy Director*, Department of Public Works & Transportation
RE: **#19-132-001, 7-Eleven Callaway, (TIS & APF Form)**
ENGINEER: Bohler Engineering **OWNER:** 7-Eleven, Inc. c/o Brianne Wilson

This Department has reviewed the Traffic Impact Study (TIS) & Adequate Public Facilities (APF) Report Form for the referenced project and we find them acceptable as submitted but attention should be given to the following items:

- This project is located in the Callaway Village Center which requires a level-of-service (LOS) "C" or better to be met.
- The results of the traffic impact study, in regard to the level of service analysis have indicated an acceptable level of service (LOS) for this project. The study was used to determine the project's impact to the existing traffic patterns.
- The State Highway Administration (SHA) has similarly reviewed and approved the traffic impact analysis that was prepared by Lenhart Traffic Consulting, Inc.
- It is anticipated that the proposed SHA improvements South of this site at the intersection of Maryland Route 5 and Maryland Route 471 will improve the operations of that intersection.
- Attached is a copy of the Adequate Public Facility Report Form dated July 16, 2019.
- No off-site improvements are needed to satisfy the level-of-service (LOS) criteria.
- The proposed development shall coordinate the configuration of the site entrances onto Maryland State Route 5 and Maryland Route 249 with the Maryland Department of Transportation.

It is trusted that the above will assist in making the APF determination for this development. If you have any questions regarding this memo, please do not hesitate to contact this Department.


Donald F. Mills, Deputy Director
Donald.Mills@stmarysmd.com



Attachments

cc: Brianne Wilson, 7-Eleven, Inc.
Joe Dimarco, P.E., Bohler Engineering
Erich Florence, Regional Engineer, District 5 Access Management, MDOT SHA
Mike Lenhart, P.E. PTOE, Lenhart Traffic Consulting, Inc.

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ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF
PUBLIC WORKS & TRANSPORTATION
John Deatrick, P.E., AICP, LEED BD+C
Director



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April 11, 2019

Joseph DiMarco, P.E.
Bohler Engineering
16701 Melford Boulevard, Suite 310
Bowie, Maryland 20715
301-809-4500

RE: 7-Eleven Callaway
20744 Piney Point Road
Concept SWM & ESC Plan Only
File #19-132-001

Dear Mr. DiMarco:

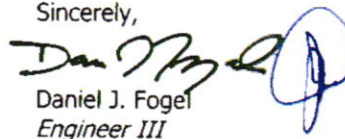
This Department has approved the revised Concept SWM & ESC Plan received by this Department on March 29, 2019. Once all applicable approvals from other review agencies have been obtained, the project may proceed to the site development phase (Phase 2) per the St. Mary's County Stormwater Management Ordinance. If other agency reviews cause changes to this plan version then submit the latest version of the plan to this Department.

The following comments are to assist you in preparation of the detailed plan:

1. Specific structural designs should be considered for the light pole foundations where proposing the installation above the underground SWM storage facility.
2. Provide an adequate outfall analysis per Article 3.7.3.d of *St. Mary's County Stormwater Management, Grading, Erosion and Sediment Control Ordinance* at the Site Development Phase.
3. Geotechnical testing of soils will be required with the site development phase. (item #13 of the *Concept Erosion & Sediment Control and Stormwater Management Plan Checklist*).

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

Sincerely,


Daniel J. Fogel
Engineer III

cc: Brianne Wilson, 7-Eleven, Inc.
Erich Florence, SHA District 5
William Hunt, Director, St. Mary's County LUGM
Bruce Young, District Manager, St. Mary's Soil Conservation District
FILE: Public Works and Transportation

S:\DFogel\Plan Review\19-132-001 7-Eleven Callaway\19-132-001 Concept Plan Approval Letter.doc

ATTACHMENT

7

May 6, 2019

Ms. Brandy Glenn
St. Mary's County
Department of Land Use & Growth Management
23150 Leonard Hall Drive
Leonardtown MD 20650

Dear Ms. Glenn:

Thank you for the opportunity to review the Traffic Impact Analysis (TIA) for the 7-Eleven Callaway in St. Mary's County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) review is complete and we are pleased to respond. The MDOT SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit is required for all construction within the MDOT SHA right of way.

7-Eleven Callaway
MDOT SHA Tracking No. 19APSM004XX (LUGM NO. 19-132001)
MD 5 (Point Lookout Road)
Mile Point: 18.66
St. Mary's County

Please reference the MDOT SHA tracking number on future submissions. If you have any questions or concerns, then please contact the District Five Access Management, Regional Engineer, Mr. Erich Florence at 410-841-1044, toll-free 1-800-331-5603 (x1044) or via email at eflorence@mdot.state.md.us. Mr. Florence will be happy to assist you.

Sincerely,



for Ms. Corren Johnson
District Five Engineer

ATTACHMENT 8

Ms. Brandy Glenn
Page Two

Attachments: [none]

cc: Mr. Mike Lenhart, President, Lenhart Traffic Consulting Inc.
Mr. John Deatricks, Director, Department of Public Works and Transportation, St. Mary's County
Mr. William Hunt, Director, Land Use and Growth Management, St. Mary's County
Ms. Merrilynn Lawrence, Development Review Coordinator, Department of Public Works and Transportation, St. Mary's County
Ms. Rola Daher, Consultant for the Maryland Department of Transportation, Travel Forecasting and Analysis Division, MDOT SHA
Mr. Erich Florence, Acting Assistant District Engineer Project Development, District Five, MDOT SHA
Ms. Caroline Pecker, Traffic Engineer, Travel Forecasting and Analysis Division, MDOT SHA
Mr. McSendy Pierre, Acting Transportation Manager, District Five Traffic, MDOT SHA
Mr. Steve Rochon, Division Chief, Traffic Development and Support Division, MDOT SHA
Ms. Tina Saxon, Administrative Assistant, Regional and Intermodal Planning Division, MDOT SHA
Ms. Lisa Shemer, Division Chief, Data Services Engineering Division, MDOT SHA
Mr. Errol Stoute, Team Leader, Traffic Development and Support Division, MDOT SHA
Ms. Kimberly Tran, Acting Deputy District Engineer, District Five, MDOT SHA



St. Mary's County Metropolitan Commission

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FAX: 301-737-7459

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

TO: Department of Land Use and Growth Management

FROM: St. Mary's County Metropolitan Commission

RE: 19-132-001 7-11 Callaway –
TID No. 02-006103 & 02-011123
Control Number and Project Name

DATE: January 23, 2019 (Revised: April 2, 2019)

RECEIVED

APR 02 2019

St. Mary's County
Land Use & Growth Management

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

YES ☒

NO ☐

1. Zoned W-6D/S-6D; a water and sewer category change is required in order to be served by the public facilities. The water and sewer category change must be approved prior to receiving final site plan approval.
2. Water and sewer construction plans are required for MetCom review and approval for site development. Please submit construction plans, all necessary review fees, and the review checklist directly to MetCom for review.

ATTACHMENT 9

SIGNATURE:

Andy Balchin, P. E., MetCom Assistant Engineer



ST. MARY'S COUNTY
HEALTH DEPARTMENT

Meenakshi G. Brewster, MD, MPH - Health Officer

Administration, Records & Health Services: 301 – 475 – 4330

Environmental Health: 301 – 475 – 4321

Medical Assistance Transportation: 301 – 475 – 4296

Maryland Relay Service: 1 – 800 – 735 – 2258

Email: smchd.healthdept@maryland.gov

April 5, 2019

Re: Permit request #19-132-001, 7-ELEVEN Callaway
SMCHD No. 2011123, 2006103

To Whom It May Concern:

This office does not object to the above named Concept Plan. Please feel free to contact me with any questions. Thank you.

Sincerely,

Zackary Silvast
Environmental Health Specialist - Trainee

****This letter does not constitute final Health Department approval.****

ATTACHMENT 10

Brandy Glenn

From: Joe DiMarco <jdimarco@bohlereng.com>
Sent: Tuesday, April 09, 2019 9:35 AM
To: Mira Gantzert
Cc: Jasmine Frazier; Haley Carpenter; Esanye Ogbe; mb182099@nf.bohlereng.com; Anthony White
Subject: FW: 7-Eleven Callaway, MD

Hey Great news team!

Please file this email in incoming from SCD.

Joe DiMarco, P.E. | Project Manager



BOHLER
ENGINEERING

16701 Melford Blvd, Suite 310 | Bowie, MD 20715
P: 301-809-4500 | M: 202-368-7288 | JDimarco@bohlereng.com
www.BohlerEngineering.com

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From: Jane Sanders [mailto:Jane.Sanders@stmarysscd.com]
Sent: Tuesday, April 09, 2019 9:18 AM
To: Joe DiMarco <jdimarco@bohlereng.com>
Subject: 7-Eleven Callaway, MD

Joe,

The CONCEPT SWM/ESC plan is approvable. Once you have received DPW&T's approval of the same CONCEPT SWM/ESC plan, then you can submit the site development plan for review along with step 2 and step 3 review fees.

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

ATTACHMENT 11



BOHLERTM
ENGINEERING

16701 Melford Boulevard, Suite 310
Bowie, MD 20715
PHONE 301.809.4500

September 12, 2019
Via Federal Express

St. Mary's Department of Land Use & Growth Management
23150 Leonard Hall Drive
Leonardtown, MD 20650

Attention: Laura Kay

Re: 7-Eleven Callaway #19-132-001
20744 Piney Point Road
Callaway, St. Mary's County, MD
BEPC #MB182099

Ms. Kay:

This letter is to request a parking waiver as part of the amendment to final site plan for the above reference property to reduce the number of parking spaces.

The St. Mary's County Code of Ordinances Section 64.3.1 requires under 4 parking spaces per 1,000 SF of convenience store with fuel station. The proposed convenience store is 6,683 SF total, and therefore requires twenty-seven (27) parking spaces on site. The applicant is proposing ~~twenty-one~~ (22) parking spaces on the site. The proposed reduction in parking spaces is due to site constraints, including landscape buffers, safe truck circulation and stormwater management requirements.

We ask that you grant our waiver request for five (5) parking spaces under this Conceptual Site Plan to best uphold the quality of the site and the standards of the St. Mary's County.

Sincerely,
Bohler Engineering VA, LLC

Joseph DiMarco, P.E.

ATTACHMENT 13