



MEMORANDUM

To: Board of Appeals
From: Stacy Clements, Environmental Planner
Subject: ZAAP 24-0018, Riverside Townhomes
Date of Hearing: February 13, 2025

SECTION I. Developmental Data:

Request: Pursuant to Chapter 23 of the St. Mary's County Comprehensive Zoning Ordinance, the Applicant request to appeal the decision of the Planning Commission made on November 18, 2024, to deny the Concept Plan.

Owner: LAHACO INVESTMENTS, LLC

Appellant: COA Barrett, LLC/Joe Kadjeski
Agent: Sang W. Oh, Talkin & Oh, LLP

Location: 23200 & 23206 Three Notch Road, California, MD 20619 (Subject Property)
Tax Map: 34 **Grid:** 16 **Parcels:** 42, 43, 434 **Lots:** 7,8, 19-21
Election District: 8 **Tax IDs:** 032157, 023646, 017387

PROPERTY DESCRIPTION:

This Project consists of 4.75 acres located in the Medium Intensity Mixed Use Zone (MXM) and is located within the Mixed-Use Medium Intensity Area as shown on the Land Use Concept Plan incorporated into the County's Comprehensive Plan.

BACKGROUND:

On January 10, 2024, the Concept Site Plan was submitted for review and distributed to the TEC agencies, which consist of the following: St. Mary's County Public Schools, Dept. of Economic Development, Dept. of Environmental Health, Soil Conservation District, MD State Highway Administration (SHA), St. Mary's County Metropolitan Commission, Dept. of Land Use and Growth Management, Washington Gas*, SMECO, Sheriff's Office*, Dept. of Recreation and Parks*, Maryland Dept. of Natural Resources (DNR), Maryland Dept. of the Environment (MDE)*, Fire Board*, Patuxent River Naval Air Station*.

*Denotes no comments

SUMMARY OF REQUEST:

Approval of a concept site plan for 42 townhouse units (Dwelling Unit, Attached, Use Type 14), which is a permitted Use Type within the MXM Zoning District.

APPLICABLE REGULATIONS:

In reviewing an application and Concept Site Plan, LUGM staff confirm that the materials conform to the following standards:

1. Section 51.3. entitled “Specific Regulations and Standards.” Therefore, all general standards for this use type (Dwelling Unit, Attached) must be satisfied (see CZO § 51.3.14);
2. Schedule 32.1 entitled “Development Standards” incorporated within Chapter 32 (Property Development Regulations);
3. Chapter 63 (Landscaping and Buffer Yards);
4. Chapter 64 (Off-Street Parking and Loading); and
5. Chapter 71 (Resource Protection Standards).

As set forth in CZO § 60.6.4, in order to approve a Concept Site Plan, the Planning Commission must make the following findings:

- a. *Is consistent with the Comprehensive Plan and applicable functional plans;*
- b. *May be served by adequate public facilities as required by Section 70.2.2;*
- c. *Is consistent with the County’s Annual Growth Policy, including any required phasing plans;¹*
- d. *Will promote the health, safety, and welfare of the general public;*
- e. *Adequately developed recreational and other community amenities are provided in accordance with the Comprehensive Plan and the Comprehensive Zoning Ordinance;*
- f. *Is consistent with Chapter 62 design objectives.*

ANALYSIS:

In reviewing the application and Concept Site Plan, LUGM Staff noted the following:

1. ***Section 51.3. entitled “Specific Regulations and Standards.” Therefore, all general standards for this use type #14 (Dwelling Unit, Attached) must be satisfied (see CZO § 51.3.14).***

¹ By Resolution 2016-22 to suspend Resolution 2008-40, CZO 60.6.4.c. has been repealed, therefore, this criterion is no longer applicable.

- 1) Minimum parcel area: 3 acres
Proposed parcel area: 4.75 acre
Staff Finding: Design meets requirement
- 2) Structure length: less than 130'
Proposed structure length: max. 120'
Staff Finding: Design meets requirement
- 3) Townhouse width: minimum 20'
Proposed width: 20'
Staff Finding: Design meets requirement
- 4) Required Side Yard: 75' from the boundary of adjoining lot of single-family dwelling.
Proposed: 20'
Staff Finding: A variance from the Board of Appeals to remove the required 75' setback along the boundary with lot 500-22.
- 5) Rear yard screening: 6' privacy fence extending minimum of 15' from rear building wall.
Proposed: 6' fence extending minimum of 15' from rear of building
Staff finding: Design meets requirement
- 6) Distance between two unattached attached dwelling structures: 40' between exterior walls. In a cluster, the separation may be reduced to 25'.
Proposed distance: 25'
Staff Finding: Design meets requirement
- 7) Required Open Space: 800 sq. ft. of open space per attached dwelling unit
Proposed: 96,450 sq. ft.
Staff Finding: Design meets requirement
- 8) Height Restriction: 40'
Proposed height: <40'
Staff Finding: Design meets requirement

2. *Schedule 32.1 entitled "Development Standards" incorporated within Chapter 32 (Property Development Regulations)*

- 1) Density for MXM zoning district: 1 – 5 dwelling units/acre (du/acre) with TDRs for density above 5 du/acre up to 25 du/acre (118 dwelling units total)
Proposed density: 8.84 du/acre
Staff Finding: Design meets requirement; 19 TDRs required

- 2) Minimum landscaping required: 20% of site area.
Proposed: 25.3% of site area
Staff Finding: Design meets requirement
- 3) Useable open space required: 200 sq. ft./unit
Staff finding: Design meets requirement

3. Chapter 63 (Landscaping and Buffer Yards)

- 1) Landscaping: 0.95 acre (20% of site area) (Schedule 32.1)
Proposed: 1.2 acres
Staff Finding: Design meets requirement
- 2) Buffer Yard Requirement(s):
 - a. Required: 65' type "B" buffer yard is required along western boundary adjacent to lots with single-family dwellings
Proposed: no buffer yard
Staff Finding: A variance from the Board of Appeals to remove half of type "B" buffer yard required along the boundary adjacent to lot 22.

4. Chapter 64 (Off-Street Parking and Loading)

- 1) Off-Street Parking:
Required: 2 spaces/unit (Use Type #14)
Proposed: 2 spaces in garage/driveway of each unit (total 84 Spaces) and 4 visitor/guest parking spaces
Staff Finding: Design meets requirement, provided that the Parking Justification Letter is accepted.

5. Chapter 71 (Resource Protection Standards)

Required: Various resource protection standards are required upon the type of resource present
Staff Finding: No sensitive areas located onsite

As set forth in CZO § 60.6.4, in order to approve a Concept Site Plan, the Planning Commission must make certain findings. To assist the Planning Commission with this determination, the following information is provided:

a. *Is consistent with the Comprehensive Plan and applicable functional plans*

As shown on page 4-12 of the Comprehensive Plan, the property is located in the Lexington Park Development District. Based upon the nature and scope of the proposed development, the project is consistent with Comprehensive Plan.

Moreover, § 2.3 of the Comprehensive Water and Sewer Plan entitled, “Growth Considerations,” states that “(t)he location of people and jobs are determinants of where water and sewerage facilities should be provided” (page 2-2). The water and sewer service categories indicate the planned service priority.

The properties are categorized as W-3D (areas to be served within three to five years, developer financed) and S-3D (areas to be served within three to five years, developer financed). For a property to be categorized as W-3D and S-3D, the property “must be located in a Development District, a Town Center, a Village Center, or a Neighborhood Conservation District” (page 1-8). Therefore, the project is included in the correct water and sewer service categories.

b. *May be served by adequate public facilities as required by Section 70.2.2*

1) Adequacy of Roads:

The following is an excerpt from Adequate Public Facilities Report dated March 5, 2024, submitted to LUGM:

- The site will be accessed from the existing Three Notch Road (MD Rt 235) northbound.
- Traffic generator for multi-family (42 dwelling units):
 - Average daily Traffic = 42 units x 5.86 = 246.1 vtd
 - AM Peak Hour Volume = 42 units x 0.44vtph/DU = 18.5 vtph
 - PM Peak Hour Volume = 42 units x 0.55vtph/DU = 23.1 vtph
 - Site generates fewer than 50 vtph; no formal Traffic Study is required.
- Required Level of Service (LOS): LOS ‘D’
Proposed LOS: ‘F’ at MD 235 and MD 4 (existing LOS ‘F’)
(Note: Trip generation is less than 50 peak hour trips)
Staff Finding: Design does not meet requirement. However, CZO §70.6.3(3) allows a payment of fees in lieu of improvements. The applicant is proposing a contribution to fund the traffic signal at MD. Rt. 235 and FDR Boulevard and therefore, while it is true that it does not meet the LOS, by proposing a mitigation of \$3,500.00 toward the estimated cost of a new traffic signal at MD. Rt. 235 and FDR Boulevard, a traffic mitigation has been proposed.

2) Adequacy of water/sewer:

The properties are categorized as W-3D and S-3D (areas to be served in 3-5 years, developer financed).
 Staff Finding: Design meets requirements.

3) Adequacy of Storm Drainage:

The drainage system and outfall design is in accordance with the St. Mary's County Stormwater Management, Grading, Sediment, and Erosion Control Ordinance. Moreover, the total Environmental Site Design Volume requirement is 11,873 cubic feet. The plans indicate ESD volume provided is 11,996 cubic feet and as a result, the Storm Drainage systems have been approved by Department of Public Works and Transportation.
 Staff Finding: Design meets requirements.

4) Adequacy of Schools:

For 42 Dwelling Units:
 Adequate school seats are currently available to accommodate the proposed student yield.

School Type	Attendance Zone	Student Yield
Elementary	Northern/Southern	.215 x 42 = 9.03
Middle	County wide	.107 x 42 = 4.49
High	County wide	.154 x 42 = 6.47

Staff Finding: Project meets requirements

5) Adequacy of Fire Prevention and Suppression:

The development will be serviced by a central public water supply system capable of providing fire flow in accordance with the St. Mary's County Metropolitan Commission's specifications and standards for water and sewerage construction and the St. Mary's County Building Code. In accordance with the St. Mary's County Fire Prevention and Suppression, there will be three fire hydrants along the internal road. Thus, per CZO § 70.12.2.a.(1), the development will have an adequate water supply.
 Staff Finding: Design meets requirements.

c. Is consistent with the County's Annual Growth Policy, including any required phasing plans

By Resolution 2016-22 to suspend Resolution 2008-40, CZO § 60.6.4.c. has been repealed; therefore, this criterion is no longer applicable.

d. *Will promote the health, safety, and welfare of the general public*

As stated above, the Subject Property is located in the Medium Intensity Mixed Use Zoning District and the proposed use (dwelling unit, attached) is a permissible use type within the zone. As explained in CZO § 10.3, the purposes of the Zoning Ordinance include the protection and promotion of the “public health, safety and general welfare” in St. Mary’s County. Therefore, provided that the project meets the requirements of the Zoning Ordinance, it is presumed to protect and promote the public health, safety, and general welfare of the community.

e. *Adequately developed recreational and other community amenities are provided in accordance with the Comprehensive Plan and the Comprehensive Zoning Ordinance*

As outlined in the Comprehensive Plan, development within “Growth Areas” such as the Lexington Park Development District should provide public spaces and amenities for residents. As the Concept Site Plan illustrates, sidewalks and common open space is being provided, which provides opportunities for residents to safely enjoy the outdoors.

As stated above, the project is required to provide a minimum of 800 sq. ft. of open space per attached dwelling unit (33,600 sq. ft. total). The Concept Site Plan proposes 96,450 sq. ft. of open space, which exceeds the requirement set forth in the Specific Regulations and Standards (CZO § 51.3.14).

f. *Is consistent with Chapter 62 design objectives.*

The design objectives established in Chapter 62 are intended to, amongst other things, “promote attractive development” and “provide for the careful consideration of key elements of building form, design, and context” within the local community (see CZO § 62.1.).

Upon review of the application and Concept Site Plan in conjunction with CZO § 60.2.3, the following observations have been made:

Criterion 1: Harmony of Design.

The design should reflect County’s history and status as rural Chesapeake Bay peninsula by using traditional design elements that are typical of the Southern Maryland Tidewater Region. Upon a review of the plans and elevation renderings, the design incorporates styles mainly found in the Southern Maryland Tidewater Region, known as Colonial Style reflected for the most part in Historic St. Mary’s City, such as gabled and hipped roofs, horizontal sidings, and double hung windows. Due to the nature of townhouses (number of attached units and overall length of the building) each unit takes advantage of different building material with different texture and/or color and slightly different window configuration, therefore the design meets this criterion.

Criterion 2: Scale.

All the design elements of the building should be kept in scale with the building and be in the same architectural scale as the overall style of the building. Upon a review of the plans and elevation renderings, the width of each unit is 20' which is the minimum required per CZO §51.3.14.a.(4), and the main gabled roof is combined with varieties of dormers (at every other unit), which creates the sense of a smaller building. Therefore the design meets this criterion.

Criterion 3: Colors.

Colors and tones on walls and roofs should be muted. Bright and shiny colors, if used at all should be used as accents only. Upon a review of the plans and elevation renderings, each unit has a distinct color (creating a sense of individuality). Colors are muted; therefore, the design meets this criterion.

Criterion 4: Exterior.

Exterior building components including accessory structures in view of public rights-of-way, publicly accessible yards, internal access roads, parking and driveways should be limited to bricks, wood, stucco, horizontal or vertical board, shingles, split face or finished block, stone and “architectural metal” and/or their synthetic equivalents. Upon a review of the plans and elevation renderings, exterior components include horizontal boards (sidings), architectural moldings, columns and roof shingles, therefore the design meets this criterion.

Criterion 5: Materials.

Materials should be selected for their durability and wear. Proper measures should be taken for protection against weather, neglect, damage and abuse. Upon a review of the plans and elevation renderings building materials have been chosen for their durability and minimal maintenance, therefore the design meets this criterion.

Criterion 6: Entrances.

All entrances to a building should be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades and others, where appropriate. Upon a review of the plans and elevation renderings, entrance to each unit is articulated with the use of door molding and roof overhang. Therefore, the design meets this criterion.

Criterion 7: Roofs.

Pitched roofs are preferred. Flat roofs should be modified through the use of pediments and other traditional design motifs around all sides visible from public rights-of-way. All mechanical equipment or other utility hardware on roofs shall be screened from view of publicly accessible areas and rights-of-way. Upon a review of the plans and elevation renderings, pitched roofs are incorporated into the design using a combination of gabled roofs and dormers for additional interest and to maintain scale. Therefore, the design meets this criterion.

Criterion 8: Sustainability.

Remodeling of existing structures instead of building new ones is encouraged. However, because this project will result in new development, this criterion is not applicable.

Criterion 9: Sense of Community.

Residential areas should provide safe and comfortable passage for residents, regardless of physical challenge, to commercial and service areas and transportation networks. This project proposes common open spaces to provide meeting places for residents while at the same time providing safe spaces for children to play, thus satisfying this criterion.

CONCLUSION:

Based upon a thorough review of the application and Concept Site Plan, the proposed development appears to/will meet the requirements set forth in the applicable sections of the Comprehensive Zoning Ordinance.

Below is a draft of the Motion for consideration by the Planning Commission:

In the matter of CONCEPT SITE PLAN # CSP24-0018 Riverside 42 Townhouse Units, having accepted the staff report and having made a finding that objectives of Section 60.6 of the Comprehensive Zoning Ordinance have been met, I move that the concept site plan be APPROVED WITH THE FOLLOWING CONDITIONS:

- a. Any road improvement (s) required by the state and county must be concurrent with the issuance of the Certificate of Occupancy.

ATTACHMENTS: **Attachment 1 - Location Map**
 Attachment 2 - Land Use Map
 Attachment 3 - Zoning Map
 Attachment 4 - Site Plan
 Attachment 5 - Color Renderings
 Attachment 6 - DPW&T Concept Site Plan Approval
 Attachment 7 - APF Report
 Attachment 8 - SHA Concept Approval
 Attachment 9 - Metropolitan Commission Approval
 Attachment 10 - Addressing Comments/Approval
 Attachment 11 - Health Department Approval
 Attachment 12 - St. Mary's Soil Conservation District Approval
 Attachment 13 – BOE Comments
 Attachment 14 – DNR Approval
 Attachment 15 – Environmental Approval
 Attachment 16 – SMECO Comments
 Attachment 17 – Parking Justification Letter
 Attachment 18 – Notice of Appeal





