

IN THE ST. MARY'S COUNTY BOARD OF APPEALS

CUAP NUMBER 24-1484

ROYAL FARMS OAK CREST

EIGHTH ELECTION DISTRICT

DATE HEARD: October 10, 2024

ORDERED BY:

**Mr. Hayden, Mr. Loughran, Mr. Payne,
Mr. Richardson, Ms. Weaver**

ENVIRONMENTAL PLANNER: STACY CLEMENTS

DATE SIGNED: November 14, 2024

Pleadings

Two Farms, Inc. DBA Royal Farms (the “Applicant”) seeks conditional use approval pursuant to CZO § 65.4.01.b.i(2) of a proposed 30’ sign.

Public Notification

The hearing notice was advertised in *The Southern Maryland News*, a newspaper of general circulation in St. Mary’s County, on September 20, 2024 and September 27, 2024. The hearing notice was physically posted on the Property by September 25, 2025. The file contains the certification of mailing to all adjoining landowners, including those located across a street. Each person designated in the application as owning land that is located within two hundred feet of the subject property was notified by mail, sent to the address furnished by the Department of Land Use and Growth Management. The agenda was also posted on the County’s website on October 4, 2024. Therefore, the Board finds compliance with all notice requirements.

Public Hearing

A public hearing was conducted at 6:30 p.m. on October 10, 2024 at the St. Mary’s County Governmental Center, 41770 Baldrige Street, Leonardtown, Maryland. All persons desiring to be heard were heard after being duly sworn, the proceedings were recorded electronically, and the following was presented about the proposed conditional use requested by the Applicant.

The Property

Applicant is the developer of property situate 23344 Three Notch Road, Hollywood, MD 20636 (“the Property”). The Property consists of 2.70 acres, more or less, is zoned entirely as Industrial, carries an Industrial Areas land use designation and an Airport Environs 4 (AE-4) overlay, is within the Oak Crest Planned Unit Development, and is identified on Tax Map 1, Grid 16, Parcels 29 and 10.

The Conditional Use & Variance Requested

The Applicant seeks a conditional use pursuant to Chapter 25 of the St. Mary's Comprehensive Zoning Ordinance ("CZO") and CZO § 65.4.01.b.i(2) to exceed the allowable height of 20 feet for a permanent, freestanding, on-premises sign on nonresidential property by up to 10 feet for a total height of 30 feet.

The St. Mary's County Comprehensive Zoning Ordinance

CZO § 65.4.01.b states that the maximum height of any permanent, freestanding sign, except for ground signs, on nonresidential property is 20 feet. That height can be increased through a conditional use approval.

The Evidence Submitted at the Hearing by LUGM

Stacy Clements, Environmental Planner at the St. Mary's County Department of Land Use and Growth Management ("LUGM"), presented the following evidence:

- According to the Maryland Department of Assessments and Taxation the property is 2.70 acres in size and is currently cleared in preparation for development.
- The Applicant has undergone the Major Site Plan process (19-133-001) for Use Type 48, Convenience Store.
- The proposed sign site plan request requires conditional use approval for the request to increase the allowable sign height according to the sign standards of CZO Section 65.4. The permit was determined not to need a variance from the area standards for a sign because State Business Regulation 10-315(f)(2) states that fuel signs are exempt from local laws pertaining to sign surface area.
- The attached site and signage plans propose a 11' x 27' permanent, free-standing, on-premises sign.

The following attachments were included with the Staff Report:

Attachment 1: Standards Letter

Attachment 2: Site Plan with Sign Detail

Attachment 3: LUGM Zoning Review

Attachment 4: Ordinance No. 2019-41 (Sign Ordinance)

Amendment 5: State Business Regulation 10-315

Attachment 6: Location Map

Attachment 7: Land Use Map

Attachment 8: Zoning Map

Attachment 9: Planned Unit Development (PUD)

Attachment 10: Airport Environs (AE) Map

Applicant's Testimony and Exhibits

The Applicant was represented by Christopher Longmore, Esq., of Dugan, McKissick & Longmore LLC, who was joined by Thomas Ruszin, a Fuel and Environmental Leader for Royal Farms. Mr. Longmore and Mr. Ruszin presented a PowerPoint containing plans, maps, and pictures, prepared a written letter addressing the standards applicable to the property, and answered many questions posed by the Board. We highlight the following evidence that was included among that presentation:

- The Applicant proposes a free-standing sign that includes both the name of the Royal Farms store and the pricing for each of the fuel products that will be sold at the location. This is required by state law.
- The additional height allows potential customers to see the sign clearly from a reasonable distance and to see the pricing of fuel products.