

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

*Phillip J. Shire, Director  
William B. Hunt, AICP, Deputy Director*



**BOARD OF COUNTY COMMISSIONERS:**

Francis Jack Russell, President  
Lawrence D. Jarboe, Commissioner  
Cynthia L. Jones, Commissioner  
Todd B. Morgan, Commissioner  
Daniel L. Morris, Commissioner

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**Notice of Public Hearing**

**Proposed Rezoning**

**NOTICE IS HEREBY GIVEN** that the St. Mary's County Planning Commission will conduct a public hearing, in the Public Meeting Room of the Chesapeake Building located at 41770 Baldrige Street, Leonardtown, Maryland, on Monday, October 28, 2013 beginning at 6:30 p.m. for the purpose of receiving public testimony on a proposed amendment to St. Mary's County Ordinance Z-10-02 that would result in the rezoning of certain property in St. Mary's County described as follows:

Subject Property: Lot 1 (6.0 acres ±), Parcel 0104, Tax Map 0042;  
44861 Saint Andrews Church Road, the location of the Walden Sierra clinics and facilities  
Current Zoning: Rural Preservation District RPD  
Proposed Zoning: Residential Mixed Use RMX

The proposal may, as a result of the public hearing or staff comment, be modified in whole or in part, either substantively or procedurally, as a result of the public hearing.

Copies of the proposed amendment are available for viewing at each public library within the County, at the Public Information Office located in the Chesapeake Building at 41770 Baldrige Street, Leonardtown, Maryland, and on the Internet through links on the St. Mary's County Government web page: [www.co.saint-marys.md.us](http://www.co.saint-marys.md.us)

Jeff Jackman, Senior Planner  
St. Mary's County Department of Land Use and Growth Management  
(301) 475-4200 ext. 1541

Please publish as a legal notice in the *Enterprise* on October 11, 2013 and October 18, 2013.

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**STAFF REPORT**

To: Planning Commission and  
Commissioners of St. Mary's County  
From: Phillip J. Shire, Director  
Department of Land Use and Growth Management  
Subject: Rezoning for Walden Sierra Property,  
Date: October 11, 2013  
Control No.: 13-245-001

**Subject Property:**

Lot 1 (6.0 acres ±) Parcel 0104 of Tax Map 0042

44867 Saint Andrews Church Road, California, Maryland

Current Zoning: Rural Preservation District RPD

Proposed Zoning: Residential Mixed Use RMX

Planning Commission hearing date: October 28, 2013

**Background**

Walden Sierra is a private, community-based, 501c3, not-for-profit agency that provides mental health therapy and psychiatric services, trauma counseling and support services, and outpatient drug and alcohol prevention. In addition to the outpatient clinics and offices, a residential halfway house is also located on the subject property. Walden Sierra had been owned by St. Mary's County but has recently been privatized. As part of the privatization, the County will subdivide a 6 acre piece (identified as Lot 1) containing the Walden Sierra campus off of the 202 acres of Parcel 104 and transfer ownership of Lot 1 and improvements to Walden Sierra. There are three wood frame structures on the property, two of which are single story and one of two stories, and a paved parking lot. The facility is served by public water and a septic system. Four of the six acres are forested.

The Walden Sierra site fronts on St. Andrews Church Road (MD 4) within the northeast corner of Parcel 104. Also located within Parcel 104 are the Department of Public Works and Transportation's vehicle maintenance facility and the St. Andrews Landfill. The County operated the solid waste landfill from 1974 to 2001 (information from the DPWT website). According to a 1966 report by the Maryland Department of Health there was a small (2 acre) private landfill on the property prior to it being purchased by the County in 1971.

**Petitioner's Case for Rezoning: A mistake in zoning**

In the comprehensive rezoning of 2010 (Z-10-02) Parcel 104 was zoned Rural Preservation District (RPD). At that time the County could not foresee the possibility of privatizing Walden Sierra. As long as Walden Sierra was a County-owned facility it was a permissible conditional use within the RPD zone. Now that it has been privatized, the County is going to subdivide

Parcel 104 and transfer ownership of Lot 1 to Walden Sierra, which will become a nonconforming use in the RPD zone. Lot 1 must be rezoned to a category that will allow the current use so that continuation and expansion of Walden Sierra will not be hampered by the nonconforming status.

### Staff Analysis

If the County had anticipated privatizing Walden Sierra during the comprehensive zoning of 2010 it could have split-zoned Parcel 104, zoning the Walden Sierra complex RMX and leaving the rest RPD. Section 31.8 of the Comprehensive Zoning Ordinance states that the purpose of the Residential Mixed Use District is to provide opportunities for residential, office, personal, and business development and services subject to standards that will ensure land use compatibility with adjacent residential areas.

RMX zoning would allow Walden Sierra to continue and expand the services it now provides, and would be consistent with the RMX zoning of property abutting on the west, which is the site of the offices for the St. Mary's County Department of Public Works and Transportation (the Arnold Building). There is a small transition area of RMX on the north side of St. Andrews Church Road across from Walden Sierra. North and east of this strip of RMX is Residential Neighborhood Conservation (RNC) zoning and detached, single-family houses in the Wildewood development. The property on the east is First Colony mixed-use PUD. The DPWT vehicle maintenance facility / closed landfill (which will continue to be zoned RPD) is to the south. West of the Arnold Building is Body by Design, a two acre parcel that was zoned RMX in the comprehensive rezoning of 2002, but was changed to Corridor Mixed Use (CMX) in 2004 when the owner applied for and received rezoning. Body by Design continued to be zoned CMX in the 2010 comprehensive zoning.

The activities presently conducted by Walden Sierra can be classified in five Use Types in the Comprehensive Zoning Ordinance. The applicable Residential Use Classifications are Residential Services (**Use Type 22**), Institutional Residence (**Use Type 19**), and Halfway House (**Use Type 18**). The two in the Public and Semi-Public Use Classifications are Outpatient Care Center (**Use Type 34**) and Day Care Facility, Medical (**Use Type 27**). Residential services are allowed with conditions specified in the General and Limited Standards (L) of Chapter 51 in the RMX and are also allowed in RPD subject to General and Conditional Standards (C) of Chapter 51. Institutional residences are permitted outright in the RMX and as an accessory to an allowable use in the RPD. The halfway house use is allowed in the RMX subject to General and Limited Standards and in the RPD with General and Conditional Standards (C). In Public and Semi-Public Use, both an outpatient care center and medical day care facility are permitted outright in the RMX, and not allowed at all in the RPD.

### Conclusion and recommendation

It is staff's opinion that a mistake was made in 2010 when Parcel 104 was zoned RPD rather than split-zoned to recognize the existence of Walden Sierra. Rezoning Lot 1 to Residential Mixed Use is warranted in order to allow Walden Sierra to continue its uses as conforming uses and to be able to expand, subject to the applicable regulations in the Zoning Code. RMX is compatible with adjoining and nearby uses.

Staff recommends approval of the rezoning from RPD to RMX for Lot 1, the six acre Walden Sierra parcel.



**St. Mary's County Department of Land Use and Growth Management**

23150 Leonard Hall Drive, Leonardtown, Md. 20650  
Phone (301) 475-4200, ext. 1500 Fax (301) 475-4672

**DEVELOPMENT REVIEW APPLICATION**



**Instructions to Applicant:**

**Please complete the information below prior to your submission. This application will be required in order to accept and process your submission. All application materials must be folded or of a size which will fit into a standard legal folder. ALL INFORMATION MUST BE COMPLETE OR SUBMISSION WILL BE RETURNED TO APPLICANT.**

CONTROL NUMBER: **13-245-001**

PROJECT NAME: **Walden Sierra Rezoning (RPD to RMX)**

DATE **September 26, 2013**

**DIGITAL SUBMISSIONS ARE REQUESTED FOR ALL TEC AND RECORDING DOCUMENTS**

REQUEST: (Check appropriate block(s))

DEPT. OF LAND USE AND GROWTH MANAGEMENT REVIEW ONLY:      TEC/PLANNING COMMISSION REVIEW/APPROVAL:

- Confirmatory Plat
- Boundary Line Adjustment Plat
- Forest Stand Delineation of proposed \_\_\_\_\_.
- Boundary Survey
- Lot Consolidation Agreement.
- Plat Exempt Division by Deed
- Amendment to CWSP from category. \_\_\_\_\_ to \_\_\_\_\_
- Deed Review
- Resubmission
- \_\_\_ Other (Specify) \_\_\_\_\_

- Forest Conservation Plan Amendment
- Forest Conservation Plan for \_\_\_\_\_.
- Preliminary review/approval of \_\_\_lot minor/major/farmstead
- Final review/approval of \_\_\_lot minor/major/farmstead
- Concept Site Plan review/approval  
For \_\_\_\_\_(specify)
- Site Plan review/approval for \_\_\_\_sq. ft. (type of use)  
For \_\_\_\_\_(specify)
- Zoning Map Amendment from **RPD** Zone to **RMX**
- Review/Approval of Expansion of Non-Conforming  
Use \_\_\_\_\_

OWNER/CONTRACT PURCHASER **St. Mary's County Board of County Commissioners**  
ADDRESS: **Chesapeake Building, 41770 Baldrige Street, Leonardtown, MD 20650**  
PHONE #: **301-475-4200**      E-MAIL ADDRESS **bocc@stmarysmd.com**

AUTHORIZED AGENT: **Dr. Rebecca Bridgett, County Administrator**  
ADDRESS: **Chesapeake Building, 41770 Baldrige Street, Leonardtown, MD 20650**  
PHONE #: **301-475-4200 x1321**      E-MAIL ADDRESS **Rebecca.Bridgett@stmarysmd.com**

**PROPERTY LOCATION:** Address if known. If not known, then *directions* as follows:  
Describe location as N-S-E-W side of (Street Name), approx. (feet) N-S-E-W of Intersection with State/County) Road  
**44861 Saint Andrews Church Road**  
**California, Maryland 20619**

PARCEL IDENTIFICATION: TAX MAP: **42**    GRID: **04**    PARCEL: **104**

ZONING: **RPD**    ACREAGE **6.00 acres ±**    ZONING OVERLAYS (if applicable): \_\_\_\_\_

ACREAGE IN EACH ZONE/OVERLAY \_\_\_\_\_ ELECTION DIST **8th** TAX ID ACCT # **08-064717**

CWSP WATER/SEWER SERVICE CATEGORY **RW – 1; S – 3D**    USE TYPES: **18, 19, 22, 27, 34**

(OVER)

I hereby request that EDUs for this application be allocated at: (choose one below)

- Concept Site Plan Approval,  Final site Plan Approval,  
 Preliminary Subdivision Approval,  Final Record Plat Approval

I hereby swear or affirm that I have received authority from the property owner to make this application and that this application is correct (See attached "Limited Power of Attorney").

I hereby swear or affirm that I am the property owner and that this application is correct:

PROPERTY OWNER/AUTHORIZED AGENT'S SIGNATURE: \_\_\_\_\_

PRINT NAME \_\_\_\_\_

PRE – APPLICATION MEETING DATE \_\_\_\_\_

(List chronologically beginning with date of last approval)

**REVIEW FEES:**

# of Lots/Sq. Ft. of Site Plan/Acres Disturbed	Type of Project:	Initial Submission Fees	Resubmission Fees
	Minor Subdivision 1-5 Lots and Farmstead Subdivisions	\$750 + \$100 per lot + Zoning Permit Fee	
	Major Subdivision 6+ Lots	\$1900 + \$100 per lot + Zoning Permit Fee	
	Concept Site Plan	\$725 each + Zoning Permit Fee	
	Major Site Plan – (multi-family projects)	\$1500 per acre of disturbed area.+ Zoning Permit Fee	
	Minor Site Plan (Includes DPWT Fee)	\$250 – Less than 500 sq. ft. +Zoning Permit Fee \$375 – Over 500 sq. ft.+ Zoning Permit Fee	
	Zoning Permit Fee <b>(Required)</b>	\$15.00	
	Soil Conservation Storm Water Management Concept Plan	\$250- Less than 5 acres \$500- 5 acres or greater	
	BLAP, Boundary Surveys, Confirmatory Plats, Plat Exemptions, Lot Consolidation Agreement, FCP, FSD, Transfer Development Rights	\$70.00	_____
	Health Department Plat Fee	\$106.00 per lot or site plan	
	MetCom Fees	\$60.00 No public water and sewer \$120.00 Public water and/or sewer	
	TEC Review/Concept Site Plan		
	Recording Package/Documents	\$60 LUGM Review Fee \$5 Per Plat Recording Fee (Clerk of the Court)	
	Additional Recording Documents	\$30 DPWT Review 1-10 lots \$60 more than 10 lots \$60 Recording Fee (each) (Clerk of the Court)	

**Resubmissions – \$20 each after first resubmission**

Other fees may apply; see the Schedule of Fee's for St. Mary's County, Effective April 2010

**Grand Total**

**SUBMISSION REQUIREMENTS:**

- Deed/Off-Conveyance Checklist  Various Maps (i.e. Quad Sheet, Soils Map, Tax Map, FEMA, Wetlands, etc.)  
 Checklist (Varies by application type)  
 Plans (see below for # of prints)  Limited Power of Attorney

**NUMBER OF PRINTS REQUIRED FOR REVIEW/APPROVAL:**

- LUGM Review Only – 2 Prints  
 TEC Committee – **20** Prints,  
 Non-TEC Site Plans– **2** Prints  
   **3** Prints (Critical Area)
- Planning Commission – 15 Prints  
 Forest Stand Delineation – 2 Prints  
 Forest Conservation – 2 Prints  
**Resubmissions – 1 Print (2-Critical Area)**  
**Recording Package 5 Mylars 7 Paper**

**Incomplete Submissions will not be accepted**

FOR RECORDING DOCUMENTS PLEASE MAKE CHECKS PAYABLE TO **THE CLERK OF THE COURT** Also Please make the **\$60.00** check and the **\$5.00** two Separate Checks. The Courthouse will not accept one full check. Thanks.  
 ALL OTHER SUBMISSIONS, CHECKS ARE MADE PAYABLE TO **THE BOARD OF COUNTY COMMISSIONERS**

# ZONING

## NOTICE OF PUBLIC HEARING

To be conducted by the St. Mary's County Planning Commission

**Date & Time:** Monday, October 28, 2013, 6:30 p.m.

**Location:** Chesapeake Building, Public Meeting Room, located at 41770 Baldrige Street, Leonardtown, Maryland.

**Case Number:** 13-245-001

**Proposed Rezoning:** Amend St. Mary's County Ordinance Z-10-02 to rezone certain property in St. Mary's County described as follows:

**Subject Property:** Lot 1 (6.0 acres ±), Parcel 0104, Tax Map 0042;

44861 Saint Andrews Church Road, the location of the Walden Sierra clinics and facilities

**Current Zoning:** Rural Preservation District RPD

**Proposed Zoning:** Residential Mixed Use RMX

A copy of the proposal is available at the Department of Land Use and Growth Management, 23150 Leonard Hall Drive, in Leonardtown, Maryland until 2:00 PM the day of the scheduled hearing.

