



STAFF REPORT

Planning Commission Meeting of  
January 13, 2025

<b>Project Name:</b>	Cusic Properties, LC 25741 Three Notch Rd. ZONE24-0002
<b>Owner:</b>	Cusic Properties, LC
<b>Agent:</b>	Christopher T. Longmore
<b>Property Info:</b>	TM-0020 GRID-0014 PAR-0163 TAX ID-022901 ED-06

**PROPERTY DESCRIPTION:**

The property is located at 25741 Three Notch Rd., Hollywood, MD (Subject Property). This property consists of 2.15 acres; 1.565 acres of the property is in the Rural Preservation land use and zoning district. The remaining .585 acres is in the Rural Commerce land use and Rural Commercial Limited (RCL) zoning district. There is a 2,625 sq. foot building on the RCL portion of the property. The Rural Preservation District (RPD) portion of the property is vacant, except for a driveway to Lot 2 of the Mary E. Hancock Subdivision. See Attachment 1 and 2.

**BACKGROUND:**

Prior to June 2010, the Subject Property consisted of two separate parcels. One parcel consisted of .585 acres and was zoned RCL. The other, Lot 1 of the Mary E. Hancock Subdivision, consisting of 1.565 acres was zoned RPD. Upon request by the property owners (Cusic Properties, L.C., Kevin Cusic, and Mary Cusic), the property was consolidated into a single lot (shown as "Adjusted Lot 500-1") (see Attachment 5). It was the recordation of the Boundary Line Adjustment Plat (BLAP) that created the split-zoning of the Subject Property.

The current version of the Comprehensive Plan includes a Land Use map with certain Land Use designations, which are coupled with various guiding principles and concepts. Within the "Rural Area," there are four Land Use Area Concepts: (1) Rural Preservation; (2) Rural Residential; (3) Rural Commerce; and (4) Crossroads Commercial. Due to the Subject Property's uses at the time that the 2010 Comprehensive Plan was adopted, the Subject Property's Land Use designations and its zoning remained unchanged.

### **A. Undeveloped Portion of the Subject Property:**

#### Land Use Designation:

The undeveloped portion of the Subject Property is located in the “Rural Preservation” Land Use area. As stated on pages 4-24 and 4-25 of the Comprehensive Plan, the primary purpose of the Rural Preservation Land Use area is to “preserve open space and protect land and water resources and to protect the land and water resource base that is necessary to maintain and support the preferred land uses of agriculture, forestry, fisheries activities and aquaculture.” Additionally, the Comprehensive Plan urges that “Growth should also be limited to preserve natural environments, including wetlands, forests, abandoned fields, beaches and shorelines. Within designated rural areas, agricultural activities are the preferred land use, including those that may produce agriculturally related noise and odors at any time. The sale of farm products from the land where they are produced should be supported.”

#### Zoning Designation:

The regulations of Rural Preservation Districts are generally “intended to foster agricultural, forestry, mineral resource extraction, and aquacultural uses and protect the land base necessary to support these activities. Low-density residential development in this type of district is permitted. The farmer has the right to farm without being restricted by neighboring residential areas. The general intent of the district is to encourage farming without undue burden on the landowner” (see CZO § 31.1).

### **B. Developed Portion of the Subject Property:**

#### Land Use Designation:

The developed portion of the Subject Property is located in the “Rural Commerce” Land Use area. As stated on page 4-25 of the Comprehensive Plan, the principle of this Land Use designation is to allow “small scale commercial uses outside of growth areas serving a localized market. In some cases, the market served by such remotely located commercial uses is more regional in scope.” The Comprehensive Plan acknowledges that the intensity of existing uses may be “inconsistent with the character of the rural setting” and “where such commercial uses have long existed outside of growth areas, are compatible with the character of the rural area, and are devoted to a local market, their continued operation and opportunity for reasonable expansion is consistent with the principle of the rural preservation district.”

#### Zoning Designation:

The regulations for the Rural Commercial Limited District are intended to “accommodate existing, small-scale commercial uses serving localized markets in the County that are scattered along the highways and, in some cases, clustered at intersections” and similarly to the language in the Comprehensive Plan, the CZO states, “where such existing uses are compatible in scale with the character of the rural area, and are devoted to a local market, their continued operation and opportunity for reasonable expansion is consistent with the policies of the Comprehensive Plan.

On January 3, 2024, the Zoning Map Amendment together with the required Comprehensive Plan Amendment 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