

**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
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

STAFF REPORT

Planning Commission Meeting of
November 25, 2019

Agenda Item #II

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

ACTION REQUESTED: Review of a concept site plan for a four seat hair salon in a 1,390 square foot building.

I. DEVELOPMENT DATA

CONCEPT SITE PLAN # 19-13200003, Infinity Hair Studio
(Zoning Ordinance 10-02) (Use # 65 Personal or Business Service)
OWNER: Virginia Pierce
AGENT: Michael Hillan
LOCATION: 23945 Colton Point Rd.
TM-31 GRID-02 PAR-085 ED-07 TAX ID-000448
LAND USE: Mixed-Uses Low Intensity
ZONING: Village Center Mixed Use (VMX), Limited Development Area (LDA)
ACREAGE: 2.13

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 65: Personal or Business Service.

Establishment providing a range of support activities for services and incidental sales to persons and businesses. This classification includes, but is not limited to, barber and beauty shops, watch and jewelry repair shops, engraving studios; picture framing shops; shops for tailors, shoe repair, dry cleaners, locksmiths, film developing, telegraph and fax services, mail receiving and boxes, delivery services and self-service laundries. Also includes janitorial or building maintenance services, construction services, document delivery, mail receiving and distribution, drafting, blueprinting, typesetting, copying, photographic or other similar services.

II. PUBLIC HEARING NOTICE REQUIREMENTS (CZO 21.3):

The public notice for the Planning Commission Public Hearing was published in *The Enterprise* on November 6, 2019, and November 13, 2019. 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 February 27, 2019.

IV. APPLICABLE REQUIREMENTS:

- a. St. Mary's County Comprehensive Plan. The land use for the subject property is Mixed-Uses 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 Personal or Business Service (#65) is a permitted use in the VMX zoning district.
 - i. Section 51.3.48.a.: General Standards (Personal or Business Service):
 - Site plan approval shall be required.
- 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-Uses 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.

- g. Section 63.3. Buffer Yard Requirements: A 15 foot type “A” buffer shall be required on the north west portion of the property.
- h. Section 64 Parking Requirements: The number of parking spaces required is 5 spaces. The plan proposes 5 parking spaces including 1ADA space.
- i. Section 71 Sensitive Area Analysis: Staff has determined that this site of 2.13 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 # 19-13200003, Infinity Hair Studio, 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
October 21, 2019

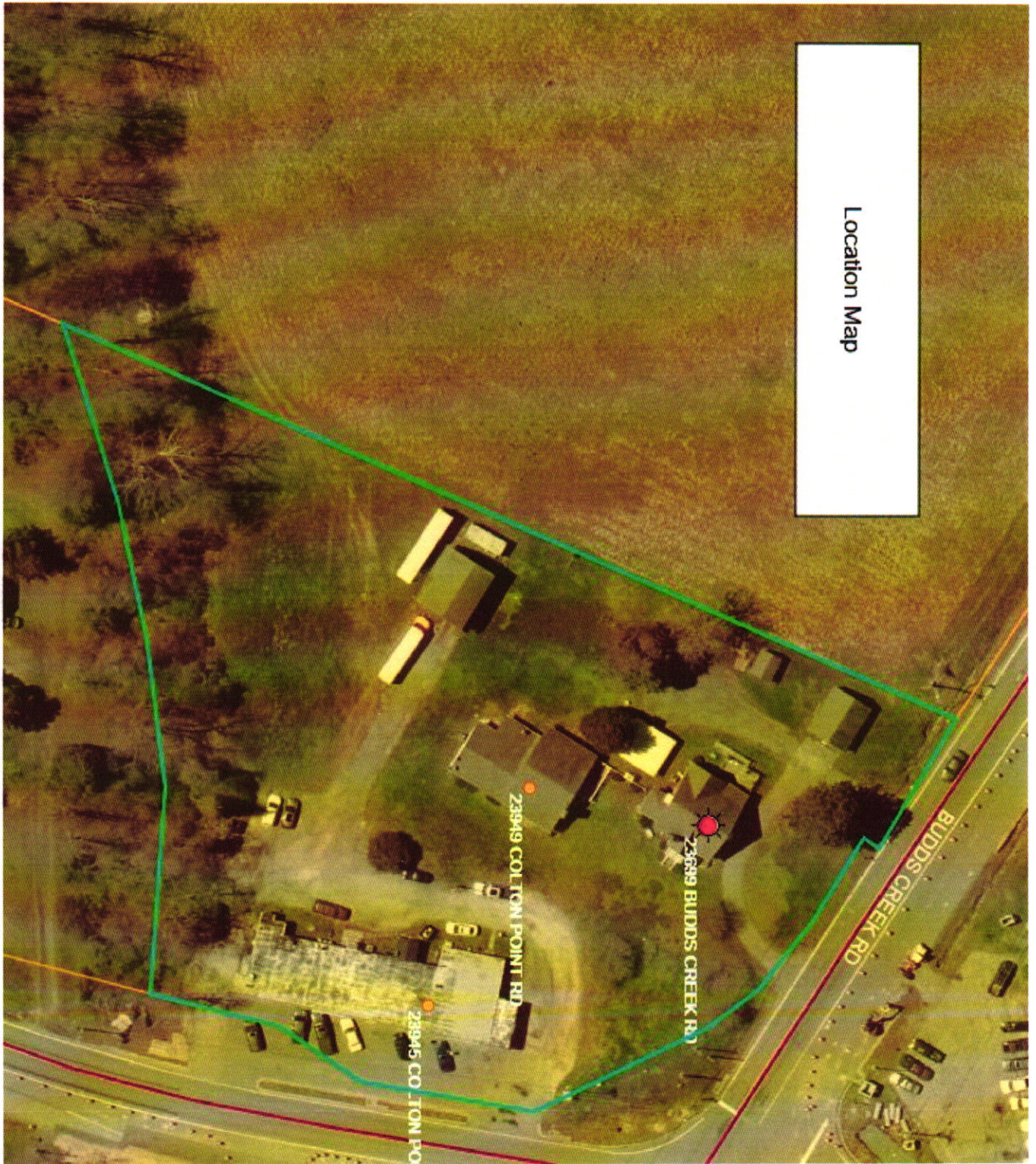
ATTACHMENTS:

Attachment 1 – Location Map
Attachment 2 – Land Use Map
Attachment 3 – Zoning Map
Attachment 4 – Site Plan
Attachment 5 – Adequate Public Facilities Report
Attachment 6 – Department of Public Works and Transportation Approval
Attachment 7 – State Highway Administration Approval
Attachment 8– Metropolitan Commission Approval
Attachment 9 – Health Department Approval
Attachment 10 – St. Mary’s Soil Conservation District Approval
Attachment 11- State of Maryland Critical Area Commission Chesapeake and Atlantic Coastal Bays

cc Virginia Pierce
P.O. Box 161
Clements, MD 20654

Michael Hillan
22935 Downs Circle
Leonardtown, MD 20650

VARC, LLC





Zoning: VMX/LDA



Adequate Public Facilities Report to Department of Public Works & Transportation

Name of Development Infinity Hair Studio Date September 4, 2019

LU&GM Case File No. 19-132-003 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 234 @ MD 242	20'	none	12640	1264	A	roundabout
MD 234 @ Site Entrance	12'	11' - 12' paved	6710*	671	A	unsignalized
MD 234 @ Horseshoe Road	12'	11' - 12' paved	6710*	671	A	unsignalized

*Volume on MD 234 only - side street volumes not available

4. If direct residential access to a public road is proposed, existing # lots & dwellings currently served by the access road = N/A
5. Additional # lots or units proposed = N/A
6. Size of commercial/industrial building = 1 390 sf
7. Projected Zoning Ordinance or ITE trip generation rates = AM-1 21 PM-1 45
8. Specify independent variable used in computing ITE trip generation rates = per 1,000 gsf

9. Proposed ADT: 20' Proposed PHV: AM-2; PM-2 Proposed LOS: A
ADT rate not available in ITE, so ADT is assumed as 10 times the PM peak hour trips

10. Specify proposed/future improvements to the public facility:
 There are no planned road improvements by the proposed change in use of Building 3 (change from Use 11 to Use 65).

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: Jacqui S. Chandler] Date: September 4, 2019
 Traffic Concepts, Inc.



ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF
PUBLIC WORKS & TRANSPORTATION

John Deatrick, P.E., AICP, LEED BD+C
Director



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Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

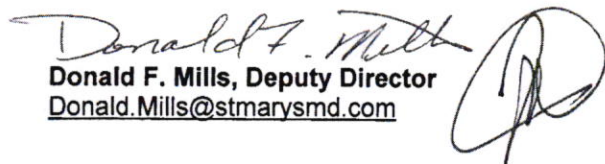
MEMORANDUM

DATE: September 12, 2019
TO: Bill Hunt, *Director*, Department of Land Use & Growth Management
FROM: Donald F. Mills, *Deputy Director*, Department of Public Works & Transportation
RE: **#19-132-003, Infinity Hair Studio, (APF Form)**
Engineer: Traffic Concepts, Inc. c/o Jackie Chandler **Owner:** Virginia Pierce

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

- Attached is a copy of the Adequate Public Facility Form dated September 4, 2019.
- The project is situated outside the Development District and generates less than 50 peak hour trips; therefore, no traffic impact study is required but the level-of-service (LOS) which needs to be met is a LOS 'C'.
- The recent SHA improvements of a traffic circle near this site at the intersection of Maryland Route 234 and Maryland Route 242 appear to have improved the operations of the intersection and it is operating at a LOS 'A'.
- No off-site improvements are needed to satisfy the level-of-service (LOS) criteria.
- The subject property shall use the existing site entrances onto Maryland State Route 242 and the existing entrance onto Maryland Route 234. This entrance is planned to be widened for the development. Maryland Department of Transportation to administer the entrance permit approval.

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: Virginia Pierce, Owner.
Michael Hillan, Agent
Donnie Estevez, VARC, LLC
Erich Florence, Regional Engineer, District 5 Access Management, MDOT SHA
Jackie Chandler, Traffic Concepts, Inc.

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SEP 13 2019

St. Mary's County
Land Use & Growth Management

S:\DFogel\Comment Letters Traffic\APF Reviews\APF Memo 19-132-003 Infinity Hair Studio to Hunt.doc

P.O. BOX 508 • THE ARNOLD BUILDING • 44825 ST. ANDREWS CHURCH RD. • CALIFORNIA, MD 20619

PHONE 301.475.4200 • FAX 301.863.8810 • www.co.saint-marys.md.us

ATTACHMENT

6





STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

August 14, 2019

Ms. Brandy Glenn
Development Facilitator
Department of Land Use & Growth Management
23150 Leonard Hall Drive
Leonardtown MD 20650

Dear Ms. Glenn:

Thank you for the opportunity to review the concept plan, Infinity Hair Studio regarding the proposed commercial access entrance to the site from MD 234 (Budds Creek Road) in St. Mary's County. The MDOT SHA conceptually approves the concept plan that shows the proposed widening of the existing entrance work for the Infinity Hair Studio. Please note that this does not constitute final plan approval.

Infinity Hair Studio
LUGM # 19-132-003
MD 234
St. Mary's County

Please reference the County LUGM tracking number on future submissions. If you have any questions or concerns, then please contact the District Five Assistant District Engineer – Project Development, 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,

Ms. Corren Johnson
District Five Engineer

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AUG 20 2019

St. Mary's County
Land Use & Growth Management



Ms. Brandy Glenn
Page Two

Attachments: [None]

cc: Mr. Donald Estevez, VARC, LLC
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
Mr. Erich Florence, Assistant District Engineer, District Five Project Development, MDOT
SHA
Ms. Michelle Vrikkis, Assistant District Engineer, District Five Traffic, MDOT SHA



St. Mary's County Metropolitan Commission

23121 Camden Way, California, MD 20619

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Potable Water Distribution - Wastewater Collection / Treatment

Phone: 301-737-7400
FAX: 301-737-7459

**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: 19-132-003 Infinity Hair Studio – 23945 Colton Point Road
Control Number and Project Name
DATE: February 27, 2019

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

YES NO

1. Public water and sewer is currently not available, or planned, for the location of this site. On-site systems are acceptable.

ATTACHMENT 8

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

LUGM#: 19 .132-003

Transmittal Form

Owner/Applicant: Virginia Pierce

Surveyor: NOKleby

Property Location: 23945 Colton Point Rd

Tax Map: 31 Grid: 2 Parcel: 85

Section: Lot: District: 7

Subdivision:

Property ID: 7000448

SMHD File No: 1203-04

Date Received: 10/8/19 No. of copies 1

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OCT 09 2019

St. Mary's County Land Use & Growth Management

OK for Sign - OK for Record Set - OK for Perc Preservation - No Objection

Needs Revisions - See Comments

Reviewed/Signed By: [Signature] Date: 10/8/19

ATTACHMENT 9



St. Mary's Soil Conservation District

26737 RADIO STATION WAY, SUITE B

LEONARDTOWN, MD 20650

PHONE 301-475-8402 EXT. 3 • FAX 301-475-8391

WWW.STMARYSSCD.COM

ST. MARY'S COUNTY EROSION AND SEDIMENT CONTROL PLAN EXEMPTION

Tax Map	31	Block	2	Parcel	0085	LUGM#	19-132-003
Directions to Property:	23699 Coltons Point Road						
Remarks:	<i>site improvements; NOTE: Total disturbed area cannot exceed 5,000 square feet and/or 100 cubic yards of cut and fill under this exemption.</i>						
Subdivision Name:							
Applicant Name:	Hillan, Michael				Phone #:		
Property Owner Name:	Pierce, Virginia				Phone #:		
Total lot area:	2.139	Acres			Total Disturbed Area:	Less than 5,000 square feet	
Distance of disturbance from Mean high waterline, blue line stream or wetland						n/a	ft.

This exemption is issued based upon information from the applicant and site plan review. This does not relieve the applicant of installing sediment control measures as needed. If total disturbed area is increased to greater than 5,000 square feet or excavation to be greater than 100 cubic yards, applicant must obtain an approved Standard Erosion and Sediment Control Plan from St. Mary's Soil Conservation District prior to any earth disturbance.

"I certify that I have the authority to make the foregoing application; that the information above is correct; and that I have the ability to meet all the limitations and conditions set forth by this agreement."

Applicant Signature:		
Approved:	<i>Joe R. Sanders</i>	Date: June 13, 2019
	St. Mary's Soil Conservation District	

Note: all NRCS and SCD programs and services are offered on a nondiscriminatory basis, without regard to race, color, national origin, religion, sex, age, marital status, or handicap.

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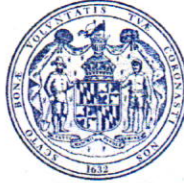
JUN 14 2019

St. Mary's County
Land Use & Growth Management

ATTACHMENT 10

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman

Katherine Charbonneau
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

July 8, 2019

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

**RE: #19-1001; Infinity Hair Studio
Site Plan**

Dear Ms. Clements:

Thank you for providing revised information for the above-referenced project to this office. The application is for the Infinity Hair Studio located at 23945 Colton Point Road, Clements, St. Mary's County, Maryland. The applicant proposes to change the existing uses on the parcel from Dwelling Detached, Restaurant, and Tavern to Personal or Business Service. The property is approximately 2.113 acres in size and is located entirely within the Critical Area on lands designated as Limited Development Area (LDA).

The previous submission included several new parking areas that would have increased lot coverage from the existing 30.42% to 35.24%. The allowable lot coverage limit for the site is 15%. We provided review and comment on that original submission in a letter dated February 25, 2019. Since then, the applicant has revised the proposal to reduce lot coverage onsite by 37 square feet. The applicant is also meeting the 15% afforestation requirement with 2,900 square feet of plantings onsite.

This office has no further comment. Thank you for the opportunity to provide comments. You may contact me at 410-260-3476 with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Charlotte Shearin".

Charlotte Shearin
Regional Program Chief

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JUL 12 2019

St. Mary's County
Land Use & Growth Management

ATTACHMENT 11