

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Commissioners of St. Mary's County (CSMC) will conduct a public hearing in the Commissioners Meeting Room in the St. Mary's County Chesapeake Building, located at 41770 Baldrige Street, Leonardtown, MD on **Tuesday, June 24, 2025, beginning at 9:30 a.m.** for the purpose of receiving public testimony to consider the following Comprehensive Plan Amendment and a Zoning Map Amendment:

Project Number/ Name: **ZONE24-0413 / Pax River Village Center**
Property Information: **Tax Map 43A, 43 Parcels 105, 338, 339, 100 Tax IDs: 036284, 055297, 088446, 006903, 036195, 8th Election District 00000 Great Mill Rd., 21899 FDR Blvd., 21882 FDR Blvd., 21847 Three Notch Rd., 21703 Great Mills Rd., Great Mills, MD, 20653**
Requested Action: **Amend the 2010 Comprehensive Plan Land Use Map to change the land use for a portion of the properties, which are not within the Air Installation Compatible Use Zone (AICUZ), from Limited Commercial/Industrial and Mixed-Use Medium-Intensity to Mixed-Use High Intensity and amend the Zoning Map to change a portion of the properties, which are not within the Air Installation Compatible Use Zone (AICUZ), from Limited Commercial Industrial District and Medium Intensity Mixed-Use District to High-Intensity Mixed Use District.**

Public hearing information and related documents can be viewed online at: <https://www.stmaryscountymd.gov/publichearings/>. CSMC Public Hearings are televised live on St. Mary's County Government (SMCG) TV Channel 95 and available on the SMCG YouTube Channel.

Citizens are encouraged to attend and participate in the public hearing. In lieu of appearance, written comments may be submitted via:

E-mail: CSMC@stmaryscountymd.gov
USPS: P.O. Box 653, Leonardtown, MD 20650

To be considered by the CSMC, all submissions must be received no later than 5:00 p.m. on Tuesday, July 1, 2025. Public Hearing Guidelines are subject to change.

An electronic copy of this file may be requested by contacting Gabrielle.Gleissner@stmaryscountymd.gov, (301) 475-4200, ext. 1505. If you have any questions regarding this application, please contact the Department of Land Use and Growth Management, 23150 Leonard Hall Drive, Leonardtown, MD 20650.

Note that as a result of the evidence presented and comments made during the public hearing, amendments may be proposed.

Proceedings are televised live and/or recorded for later broadcast on television. All content of these proceedings is subject to disclosure under the Maryland Public Information Act. Photographic and electronic audio and visual broadcasting and recording devices are used during the meetings. These are public meetings and attendance at these meetings automatically grants St. Mary's County Government permission to broadcast your audio and visual image.

Jessica S.B. Andritz, Director
Land Use and Growth Management

Please publish as a Legal Notice in *Southern Maryland News* on June 6, 2025, and June 13, 2025.



MEMORANDUM

TO: Commissioners of St. Mary's County

CC: David. A. Weiskopf, County Administrator
Office of the County Administrator

FROM: Jessica S.B. Andritz, Director
Dept. of Land Use & Growth Management

DATE: May 6, 2025

RE: Request for Public Hearing – ZONE24-0413– Pax River Village Center

Background:

This application involves four separate parcels of land located at 21822 and 21899 FDR Blvd., 0 and 21703 Great Mills Rd., and 21847 Three Notch Rd., which are part of the second phase of redevelopment of the Pax River Village Center (formerly known as Millison Plaza). All four parcels are located in the Lexington Park Development District. Three of the four parcels (referred to as the "Shopping Center Property") are located within the Limited Commercial/Industrial land use area (established by the Comprehensive Plan/Lexington Park Development District Master Plan) and are in the Limited Commercial Industrial (LCI) zoning district (as shown on the County's Official Zoning Map). The last parcel (referred to as the "Ortho Property") is located in the Medium Intensity Mixed-Use land use area and is included within the Medium Intensity Mixed-Use zoning district.

The St. Mary's County Comprehensive Plan was adopted by the Commissioners of St. Mary's County on March 23, 2010. Lexington Park is designated as a "development district," which is to be urban in pattern and form, designated for intensive residential, commercial and industrial development supported by a priority for provision of community facilities, services, and amenities (see page 3-6). The Comprehensive Plan was amended to adopt the Lexington Park Development District Master Plan (LPDDMP) on February 9, 2016, which became effective February 23, 2016.

The Applicant is seeking to change the land use designation to Mixed-Use High-Intensity, and the zoning designation to High-Intensity Mixed-Use (MXH).

If the Applicant's request was to be approved, the Comprehensive Plan (as amended by the LPDDMP) would be further amended to depict both the Shopping Center Property and the Ortho Property as being within the High Intensity Mixed-Use land use area whose primary purpose is to provide for areas where "the intensity of areas designated for Downtown mixed-use" are combined with both

“the density of areas designated for residential-high density” and “the breadth of uses allowed in corridor mixed-use areas” (see page 2-21 in LPDDMP). Also, if approved, both the Shopping Center Property and the Ortho Property would be rezoned to the High Intensity Mixed-Use (MXH) zoning district. The purpose of MXH zoning is to create “areas of urban character” that “form a visually attractive and functional urban environment for people to live, work, eat, shop, enjoy recreation, and congregate” (see CZO § 31.15).

Summary:

Because this request was filed as a piecemeal rezoning (as opposed to a comprehensive rezoning that typically follows an amendment to the County’s Comprehensive Plan), this application triggers § 4-204(b)(2) of the Land Use Article of the Annotated Code of Maryland, which allows local jurisdictions to approve a change in zoning in one of two situations: (1) there has been a substantial change in the character of the neighborhood, which renders the current zoning inappropriate; and (2) when the local legislative body has made a “mistake” (invalid reliance upon or erroneous assumption of facts) when it rezoned the property to its current zoning designation. The application states that there has been a significant change in the character of the neighborhood since the last comprehensive rezoning. The application highlights that the Lexington Park and Great Mills area have been subject to extensive growth and development.

Section 4-204(b)(1) of the Land Use Article of the Annotated Code of Maryland requires that changes to the zoning map must be supported by findings of fact **that must be made by the local jurisdiction (in this case, the Commissioners of St. Mary’s County)** that address the following: (i) population change; (ii) the availability of public facilities; (iii) present and future transportation patterns; (iv) compatibility with existing and proposed development for the area; (v) the recommendation of the planning commission; and (vi) the relationship of the proposed amendment to the local jurisdiction’s plan.

Prior Action:

On May 5, 2025, the Planning Commission voted 4-3 to recommend approval of the amendment to the Land Use Concept Plan adopted as part of the 2010 Comprehensive Plan and the requested rezoning of the Subject Property.

Public Engagement:

In addition to public hearing (with required postings and publication of notices) conducted by the Planning Commission, similar notifications will be completed prior to the public hearing that is the subject of this request.

Timeline:

Commissioner Meeting: Request for Public Hearing: 5/20/2025

Deadline: Submit Public Notice to Southern Maryland News: 6/3/2025

Publication: 1st Public Notice: 6/6/2025

Publication: 2nd Public Notice: 6/13/2025

Public Hearing: 6/24/2025

Close of Public Comment Period (5pm): 7/1/2025

Commissioner Meeting (Decision): 7/15/2025

Subject: To Amend Chapter 285 of the Code of St. Mary's County by Rezoning and Redesignating the Property Identified as Tax Map 43A, Parcels 105, 338, and 339 and Tax Map 43, Parcel 100 to High Intensity Mixed-Use (MXH)

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ORDINANCE

TO AMEND CHAPTER 285 OF THE *CODE OF ST. MARY'S COUNTY, MARYLAND* BY DESIGNATING TAX MAP 43A, PARCELS 105, 338, AND 339 AND TAX MAP 43, PARCEL 100 TO WITHIN THE HIGH INTENSITY MIXED-USE ZONING DISTRICT

WHEREAS, § 4-101 of the *Land Use Article of the Annotated Code of Maryland* authorizes the Commissioners of St. Mary's County to establish zoning districts and adopt regulations applicable in such districts that further the goals of the County's comprehensive land use plan; and,

WHEREAS, § 4-204 of the *Land Use Article of the Annotated Code* specifically empowers the Commissioners of St. Mary's County, upon making certain findings of fact, to amend the zoning classification of a property to a reasonable alternative classification; and,

WHEREAS, the three distinct real properties situate 21822 and 21899 FDR Boulevard and 21703 Great Mills Road, (collectively, "the Shopping Center Property"), which can be found at Tax Map 43A, Parcels 105, 338 and 339 currently lie within the Limited Commercial/Industrial ("LCI") zoning district; and,

WHEREAS, the real property situate 21847 Three Notch Road ("the Ortho Property"), which can be found at Tax Map 43, Parcel 100, currently lies within the Medium Intensity Mixed-Use ("MXM") zoning district; and,

WHEREAS, the owner of the Shopping Center Property and the Ortho Property, Lexington Park Shopping Center LLC, has petitioned for a zoning map amendment to rezone the entirety of all parcels to lie within a High Intensity Mixed-Use ("MXH") zoning district; and,

WHEREAS, the MXH zoning district is intended to create areas of urban character that form a visually attractive and functional urban environment for people to live, work, eat, shop, enjoy recreation, and congregate; and,

WHEREAS, the St. Mary's County Planning Commission held on May 5, 2025 a public hearing on the Applicants' request, that the public hearing complied with all applicable requirements of the Land Use Article and St. Mary's County Comprehensive Zoning Ordinance pertaining to public notice and hearings, and that the Planning Commission recommended, by a vote of 4-3, that the Applicants' request be recommended for approval; and,

WHEREAS, a notice of a public hearing before the Commissioners of St. Mary's County was advertised on [TBD] and [TBD] in *The Southern Maryland News*, a newspaper of general

Subject: To Amend Chapter 285 of the Code of St. Mary's County by Rezoning and Redesignating the Property Identified as Tax Map 43A, Parcels 105, 338, and 339 and Tax Map 43, Parcel 100 to High Intensity Mixed-Use (MXH)

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circulation in St. Mary's County, and a public hearing was held on [TBD], to receive comment and consider the amendment of Chapter 285 of the Code of St. Mary's County, Maryland, by rezoning the Shopping Center Property and the Ortho Property to lie within a High Intensity Mixed-Use zoning district:

FINDINGS OF FACT

Pursuant to *Land Use Article* § 4-204, the Commissioners of St. Mary's County, based upon all competent evidence adduced in the record by staff, the Applicants, and any members of the public who offered testimony and evidence, written or verbal, make the following findings of fact:

[TO BE COMPLETED FOLLOWING THE PUBLIC HEARING.]

Population Change:

The Availability of Public Facilities:

Present and Future Transportation Patterns:

Compatibility with Existing and Proposed Development for the Area:

Recommendation of the Planning Commission:

Relationship of the Proposed Amendment to the Local Jurisdiction's Comprehensive Plan:

Any substantial change in the character of the neighborhood where the property is located:

Any mistake in the existing zoning classification:

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to Title 4, Subtitle 2 of the Land Use Article of the Annotated Code, that:

SECTION I. Chapter 285 of the Code of St. Mary's County, Maryland is amended by rezoning Tax Map 43A, Parcels 105, 338, and 339 and Tax Map 43, Parcel 100 to High Intensity Mixed-Use (MXH).

SECTION II. Scrivener's Errors. The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the County Attorney, may be corrected with the endorsement of the County Administrator or County Administrator's designee without the need for formal action by the Commissioners of St. Mary's County in an open session.

SECTION III. Effective Date. This Ordinance shall be effective upon the date written below.

Subject: To Amend Chapter 285 of the Code of St. Mary's County by Rezoning and Redesignating the Property Identified as Tax Map 43A, Parcels 105, 338, and 339 and Tax Map 43, Parcel 100 to High Intensity Mixed-Use (MXH)

Date of Adoption: []

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

David A. Weiskopf
County Administrator

James R. Guy, Commissioner President

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Michael R. Alderson, Jr., Commissioner

Buffy Giddens
County Attorney

Eric S. Colvin, Commissioner

Michael L. Hewitt, Commissioner

Scott R. Ostrow, Commissioner

Subject: To Amend the 2010 Comprehensive Plan Land Use Map for St. Mary's County, Maryland, as amended by the Lexington Park Development District Master Plan, by Changing the Land Use of Tax Map 43A, Parcels 105, 338, and 339 and Tax Map 43, Parcel 100 to High Intensity Mixed-Use Land Use

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ORDINANCE

**TO AMEND THE ST. MARY'S COUNTY
2010 COMPREHENSIVE PLAN
LAND USE MAP AND
LEXINGTON PARK DEVELOPMENT DISTRICT
MASTER PLAN**

WHEREAS, § 3-101 of the *Land Use Article of the Annotated Code of Maryland* requires the Commissioners of St. Mary's County to adopt a comprehensive plan addressing the planning elements required by Title 3, Subtitle 1 of the *Land Use Article*, including addressing the general location, character, extent, and interrelationship of the uses of public and private land;

WHEREAS, § 3-204 of the *Land Use Article of the Annotated Code* specifically empowers the Commissioners of St. Mary's County to adopt amendments, from time to time, to any comprehensive plan or master plan, provided such amendments are adopted after following the public notice and public hearings required by § 3-204 and other applicable statutes within the *Land Use Article*; and,

WHEREAS, the three distinct real properties situate 21822 and 21899 FDR Boulevard and 21703 Great Mills Road, (collectively, "the Shopping Center Property"), which can be found at Tax Map 43A, Parcels 105, 338 and 339 are currently designated in the 2010 Comprehensive Plan Land Use Map, as amended by the Lexington Park Development District Master Plan, to lie within a Limited Commercial/Industrial land use area; and,

WHEREAS, the real property situate 21847 Three Notch Road ("the Ortho Property"), which can be found at Tax Map 43, Parcel 100, is currently designated in the 2010 Comprehensive Plan Land Use Map, as amended by the Lexington Park Development District Master Plan, to lie within a Medium Intensity Mixed-Use land use area; and,

WHEREAS, the owner of the Shopping Center Property and the Ortho Property, Lexington Park Shopping Center LLC ("the Applicant"), has petitioned for an amendment to the 2010 Comprehensive Plan and Lexington Park Development District Master Plan to designate the entirety of the area comprising the Shopping Center Property and the Ortho Property as a High Intensity Mixed-Use land use area; and,

WHEREAS, the High Intensity Mixed-Use land use designation is intended for land whose primary purpose is to provide for areas where the intensity of areas designated for Downtown mixed-

Subject: To Amend the 2010 Comprehensive Plan Land Use Map for St. Mary's County, Maryland, as amended by the Lexington Park Development District Master Plan, by Changing the Land Use of Tax Map 43A, Parcels 105, 338, and 339 and Tax Map 43, Parcel 100 to High Intensity Mixed-Use Land Use

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use are combined with both the density of areas designated for residential high-density and the breadth of uses allowed in corridor mixed-use areas; and,

WHEREAS, the St. Mary's County Planning Commission held on May 5, 2025 a public hearing on the Applicants' request, that the public hearing complied with all applicable requirements of the Land Use Article and St. Mary's County Comprehensive Zoning Ordinance pertaining to public notice and hearings, and that the Planning Commission recommended, by a vote of 4-3, that the Applicant's request be approved; and,

WHEREAS, a notice for a public hearing before the Commissioners of St. Mary's County on this matter was advertised on [TBD] and [TBD] in *The Southern Maryland News*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on [TBD], to receive comment and consider the petition to amend the 2010 Comprehensive Plan's and Lexington Park Development District Master Plan's Land Use Maps by designating the entirety of the Shopping Center Property and the Ortho Property as a High Intensity Mixed-Use land use area; and,

WHEREAS, upon consideration of all competent testimony and evidence adduced by staff, the Applicant, and the public in connection with this matter, the Commissioners of St. Mary's find that it is in the public interest to grant the Applicants' request to designate the entirety of the properties known as 21822 and 21899 FDR Boulevard, 21703 Great Mills Road, and 21847 Three Notch Road and identified at Tax Map 43A, Parcels 105, 338, and 339 and Tax Map 43, Parcel 100 as a High Intensity Mixed-Use Land Use area.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to Title 3, Subtitle 2 of the Land Use Article of the Annotated Code, that:

SECTION I. The St. Mary's County 2010 Comprehensive Plan and Lexington Park Development District Master Plan Land Use Maps be amended by changing the land use for the properties known as 21822 and 21899 FDR Boulevard, 21703 Great Mills Road, and 21847 Three Notch Road and identified at Tax Map 43A, Parcels 105, 338, and 339 and Tax Map 43, Parcel 100 as a High Intensity Mixed-Use Land Use area.

SECTION II. Scrivener's Errors. The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the County Attorney, may be corrected with the endorsement of the County Administrator or County Administrator's designee without the need for formal action by the Commissioners of St. Mary's County in an open session.

Subject: To Amend the 2010 Comprehensive Plan Land Use Map for St. Mary’s County, Maryland, as amended by the Lexington Park Development District Master Plan, by Changing the Land Use of Tax Map 43A, Parcels 105, 338, and 339 and Tax Map 43, Parcel 100 to High Intensity Mixed-Use Land Use

SECTION III. Effective Date. This Ordinance shall be effective upon the date written below.

Date of Adoption: []

Those voting Aye: _____

Those voting Nay: _____

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY’S COUNTY

David A. Weiskopf
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APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Michael R. Alderson, Jr., Commissioner

Buffy Giddens
County Attorney

Eric S. Colvin, Commissioner

Michael L. Hewitt, Commissioner

Scott R. Ostrow, Commissioner

Requested by: Department of Land Use & Growth Management

Ordinance No. 2025 - _____

Subject: To Amend the 2010 Comprehensive Plan Land Use Map for St. Mary's County, Maryland, as amended by the Lexington Park Development District Master Plan, by Changing the Land Use of Tax Map 43A, Parcels 105, 338, and 339 and Tax Map 43, Parcel 100 to High Intensity Mixed-Use Land Use

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DRAFT



STAFF REPORT
Planning Commission Meeting of
April 14, 2025

Project Name:	Pax River Village Center – 21822 and 21899 FDR Blvd., 0 and 21703 Great Mills Rd., and 21847 Three Notch Rd. ZONE24-0413
Owner(s):	Lexington Park Shopping Center LLC Three Notch Ortho LLC
Agent:	Christopher T. Longmore
Property Info:	Lexington Park Shopping Center LLC Tax Map 43A, Parcels 105, 338, and 339 Three Notch Ortho LLC Tax Map 43, Parcel 100

PROPERTY DESCRIPTION:

This application involves four separate parcels of land as referenced above (referred to as the “Subject Property”), which are part of the second phase of redevelopment of the Pax River Village Center (formerly known as Millison Plaza). All four parcels are located in the Lexington Park Development District. As further explained below, three of the four parcels (the “Shopping Center Property”) are located within the Limited Commercial/Industrial land use area (established by the Comprehensive Plan/Lexington Park Development District Master Plan) and are in the Limited Commercial Industrial (LCI) zoning district (as shown on the County’s Official Zoning Map). The last parcel (the “Ortho Property”) is located in the Medium Intensity Mixed-Use land use area and is included within the Medium Intensity Mixed-Use zoning district.

BACKGROUND:

A. Introduction:

The St. Mary’s County Comprehensive Plan was adopted by the Commissioners of St. Mary’s County on March 23, 2010. Lexington Park is designated as a “development district,” which is to be urban in pattern and form, designated for intensive residential, commercial and industrial development supported by a priority for provision of community facilities, services, and amenities (see page 3-6). The Comprehensive Plan was amended to adopt the Lexington Park Development District Master Plan (LPDDMP) on February 9, 2016, which became effective February 23, 2016.

B. Land Use Designations:

The current version of the Comprehensive Plan (as amended by the LPDDMP) includes a Land Use map with certain Land Use designations, which are coupled with various guiding principles and concepts. As stated above, the Shopping Center Property is located in the Limited Commercial/Industrial land use area, which is intended to allow “low-occupancy commercial and industrial uses appropriate for location in the LPDD” (see page 2-22 in LPDDMP).

The Ortho Property is located in the Medium Intensity Mixed-Use land use area whose purpose is to provide areas for “large-scale and clustered commercial and residential uses adjacent to existing or planned principal transportation corridors with reasonable preservation of open space or forest retention” (see pages 2-21 and 2-22 in LPDDMP).

If the Applicant’s request was to be approved, the Comprehensive Plan (as amended by the LPDDMP) would be further amended to depict both the Shopping Center Property¹ and the Ortho Property as being within the High Intensity Mixed-Use land use area whose primary purpose is to provide for areas where “the intensity of areas designated for Downtown mixed-use” are combined with both “the density of areas designated for residential-high density” and “the breadth of uses allowed in corridor mixed-use areas” (see page 2-21 in LPDDMP).

C. Zoning Designations:

The Shopping Center Property is located in the Limited Commercial/Industrial (LCI) zoning district. The purpose of LCI zoning is “for low-occupancy commercial and industrial uses appropriate for location with the AICUZ” (see CZO § 31.16). Additionally, LCI zone “provides property owners a range of economically viable uses that are appropriate for locations within *or adjacent to* the AICUZ” (emphasis added).

The Ortho Property is located in the Medium Intensity Mixed-Use (MXM) zoning district. The purpose of the MXM zoning is “to create large-scale and clustered commercial and residential uses adjacent to existing or planned transportation corridors” that incorporate “mixed-use non-residential developments and mixed-use development of residential and non-residential uses” (see CZO § 31.14).

If the Applicant’s request was to be approved, both the Shopping Center Property² and the Ortho Property would be rezoned to the High Intensity Mixed-Use (MXH) zoning district. The purpose of MXH zoning is to create “areas of urban character” that “form a visually attractive and functional urban environment for people to live, work, eat, shop, enjoy recreation, and congregate” (see CZO § 31.15).

D. Review by TEC Agencies:

On October 25, 2024, the Zoning Map 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 Natural Resources (DNR)*, Maryland Dept. of the Environment (MDE), Fire Board*, Patuxent River Naval Air Station.

*Denotes no comments were received.

¹ The requested change only applies to the portion of Parcel 105 that is located outside of the AICUZ.

² The requested change only applies to the portion of Parcel 105 that is located outside of the AICUZ.

SUMMARY OF REQUEST:

As explained briefly above, the Applicant is seeking to change the zoning of the Shopping Center Property³ from LCI to MXH and the Ortho Property from MXM to MXH. In seeking this rezoning, the Application asserts both (1) a substantial change in the character of the neighborhood since the last comprehensive rezoning; and (2) that a mistake was made when the Subject Property was last rezoned.

In support of the argument that there has been a substantial change in the character of the neighborhood, the Applicant has identified the neighborhood as properties adjacent and in close proximity to Three Notch Road (MD 235) between Pegg Road and Tulagi Place, as well as properties adjacent and in close proximity to Great Mills Road from its intersection with Three Notch Road (MD 235) and Westbury Blvd (see Attachment 9 – Neighborhood Map). The Applicant highlights that since the last comprehensive rezoning, the Lexington Park area has been subject to extensive growth and development, particularly redevelopment in the area near the Subject Property. The provided examples include the redevelopment of Tulagi Place, properties to the south of the Subject Property along MD 235 and the construction activity on the first phase of the redevelopment of the Pax River Village Center. According to the Applicant, these changes in the area warrant a rezoning of the property to be compatible with the adjacent properties.

The Application includes a statement that there was a mistake made when the Subject Property was last rezoned. The Application asserts that the Limited Commercial Industrial (LCI) zoning district was a new zoning district created with the 2019 Lexington Park Development District Master Plan intended for properties within the Air Installation Compatible Use Zone (AICUZ). Because portions of the Subject Property are outside of the AICUZ, the Applicant asserts the designated areas outside of the AICUZ should have a different zoning district.

APPLICABLE LAWS & REGULATIONS:

- Section 4-204(b)(1) of the Land Use Article of the Annotated Code of Maryland requires that changes to the zoning map must be supported by findings of fact that address the following: (i) population change; (ii) the availability of public facilities; (iii) present and future transportation patterns; (iv) compatibility with existing and proposed development for the area; (v) the recommendation of the planning commission; and (vi) the relationship of the proposed amendment to the local jurisdiction's plan.
- Section 4-204(b)(2) of the Land Use Article of the Annotated Code of Maryland allows local jurisdictions to approve a change in zoning in one of two situations: (1) there has been a substantial change in the character of the neighborhood, which renders the current zoning inappropriate; and (2) when the local legislative body has made a "mistake" (invalid reliance upon or erroneous assumption of facts) when it rezoned the property to its current zoning designation.
- CZO Section 21.2.2.(a) requires that prior to amending the zoning maps, the Planning Commission and the Board of County Commissioners shall each hold at least one public hearing on an application for an amendment to the Official Zoning Maps. Such hearing may be held jointly at the discretion of the Planning Commission and the Board of County Commissioners.

³ The requested change applies only to the portion of Parcel 105 that is located outside of the AICUZ.

ANALYSIS:

A. Grounds for Rezoning – Substantial Change in the Character of the Neighborhood

The application asserts that there has been a substantial change in the character of the neighborhood. To support this argument, the Application references: (1) The Subject Property is part of the redevelopment of Pax River Village Center (formerly Millison Plaza); and (2) redevelopment of certain parcels within the neighborhood. Pax River Village Center Phase 1 redevelopment is currently underway and consists of a grocery store (Aldi) and other commercial businesses (e.g., Starbucks and Jersey Mike’s Subs). The front facades of existing buildings are being renovated, and other site improvements are being made for the center to be more pedestrian friendly and visually attractive. These changes and improvements will be impactful. Other parcels in the neighborhood map, defined by the Applicant, have been recently redeveloped including the referenced Tulagi Place.

B. Grounds for Rezoning – Mistake

At present, the Shopping Center Property is shown on the Official Zoning Map as being located in the Limited Commercial Industrial (LCI) zoning district. However, the Application asserts that it was a mistake to have included Parcels 339, 338, and a portion of Parcel 105 (located outside of the AICUZ) within the LCI zoning district. In support of this argument, the application references CZO § 31.16, which states that the LCI zoning district “is intended for low-occupancy commercial and industrial uses appropriate for location **within** the AICUZ” (emphasis added). In other words, it seems as though the Applicant is asserting that properties located outside of the AICUZ cannot be zoned LCI.

However, the next sentence in CZO § 31.16 is important and must not be overlooked. It reads as follows: “The LCI zoning district provides property owners a range of economically viable uses that are appropriate for locations within or adjacent to the AICUZ.” This sentence indicates that the LCI zone is intended to limit uses within the AICUZ **and** allow for a reasonable transition (buffer) of density/intensity of uses in areas that are just beyond the AICUZ. Therefore, based upon the language (in its entirety) of CZO § 31.16, it does not appear as though there was a mistake in how these properties were zoned.

Lastly, the Application includes the Ortho Property in the rezoning request (which is under different ownership than the Shopping Center Property). However, the Application does not explicitly articulate that a mistake was made (in placing the Ortho Property within the Medium Intensity Mixed-Use (MXM) zoning district). Instead, there is just a note that there is an “island” of MXM property. However, at the time that the Ortho Property was placed in the MXM zoning district, there were existing buildings on the property and so, MXM zoning was appropriate.

C. Requested Zoning District

In the event that the Planning Commission and County Commissioners find that a substantial change in the character of the neighborhood has occurred and/or there was a mistake,⁴ the Applicant is seeking to rezone the Shopping Center Property (again, just the portion that is outside of the AICUZ) from the LCI to the MXH zoning district and the Ortho Property from the MXM to the MXH zoning district.

⁴ As stated above, § 4-204(b)(1) of the Land Use Article requires additional findings to be made.

D. Change in Land Use Designation (Comprehensive Plan/LPDDMP)

If it is determined that there has been a substantial change in the character of the neighborhood since the last comprehensive rezoning and/or a mistake was made in the current zoning designation of one or all of the parcels referenced in the application, the land use designations of the impacted parcels would also need to be changed and this change would need to be in place before the rezoning of one or more of the parcels, which the Applicant has acknowledged.⁵

As stated above, the Shopping Center Property is located in the Limited Commercial/Industrial land use area, which is intended to allow “low-occupancy commercial and industrial uses appropriate for location in the LPDD” (see page 2-22 in LPDDMP).

The Ortho Property is located in the Medium Intensity Mixed-Use land use area whose purpose is to provide areas for “large-scale and clustered commercial and residential uses adjacent to existing or planned principal transportation corridors with reasonable preservation of open space or forest retention” (see pages 2-21 and 2-22 in LPDDMP).

If the Applicant’s request was to be approved, the Comprehensive Plan (as amended by the LPDDMP) would be further amended to depict both the Shopping Center Property⁶ and the Ortho Property as being within the High Intensity Mixed-Use land use area whose primary purpose is to provide for areas where “the intensity of areas designated for Downtown mixed-use” are combined with both “the density of areas designated for residential-high density” and “the breadth of uses allowed in corridor mixed-use areas” (see page 2-21 in LPDDMP). While removing the land use buffer that the LCI land use area is intended to create, upon review of the proposed Concept Site Plan, it does appear as though a portion of the property just outside of the AICUZ will be used for parking (providing a practical “buffer” between the LCI use inside of the AICUZ and the MXH uses outside of the AICUZ).

NEXT STEPS:

The Applicant has the burden of proving a substantial change in the character of the neighborhood and/or a “mistake” since the last comprehensive rezoning.

Additionally, prior to the local jurisdiction approving a local zoning map amendment, there are certain findings that must be made (see § 4-204(b)(1) of the Land Use Article).

Therefore, the following Motion has been drafted:

In the matter of ZONE24-0413, Pax River Village Center Zoning Map Amendment & Comprehensive Plan Amendment, having accepted the staff report and having made a finding that the criteria of CZO § 21.2.2.a, and the Annotated Code of Maryland § 4-204(b)(2) have/have not been met, I move the Planning Commission recommend that the application be approved/denied by the Commissioners of St. Mary’s County.

⁵ Section 4-202(a)(1) of the Land Use Article requires a local jurisdiction’s zoning regulations to be in accordance with the local jurisdiction’s plan. In other words, the requested rezoning requires that the County Commissioners first amend the Comprehensive Plan (specifically, the Land Use designations of the Subject Property) *prior* to amending the zoning of the Subject Property.

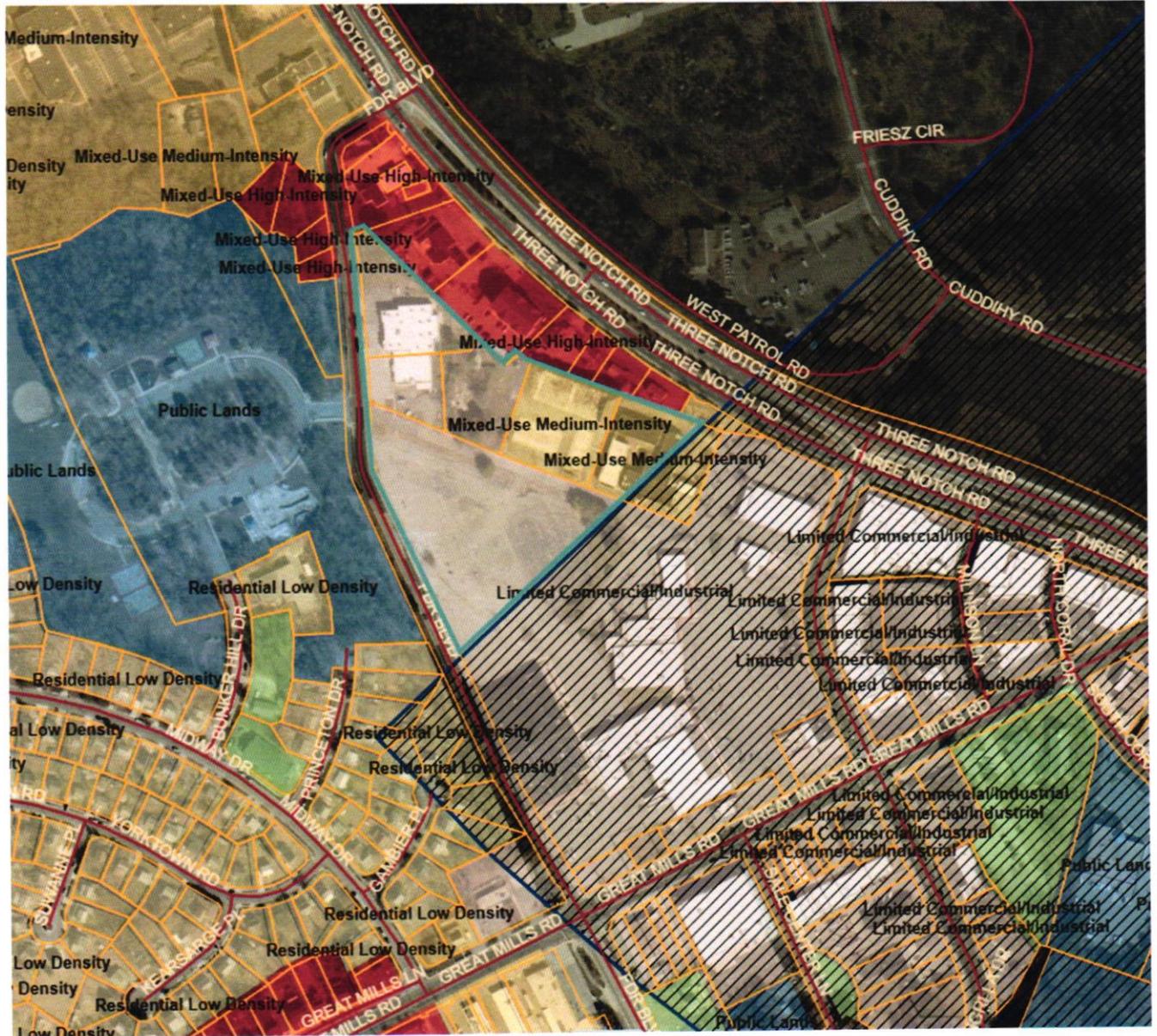
⁶ The requested change only applies to the portion of Parcel 105 that is located outside of the AICUZ.

ATTACHMENTS: **Attachment 1 – Location Map**
Attachment 2 – Land Use Map
Attachment 3 – Zoning Map
Attachment 4 – Applicant’s Letter
Attachment 5 – MDPs Response Letter
Attachment 6 – NAS PAX Comments
Attachment 7– Metropolitan Commission Approval
Attachment 8– St. Mary’s Soil Conservation District Approval
Attachment 9- Neighborhood Map

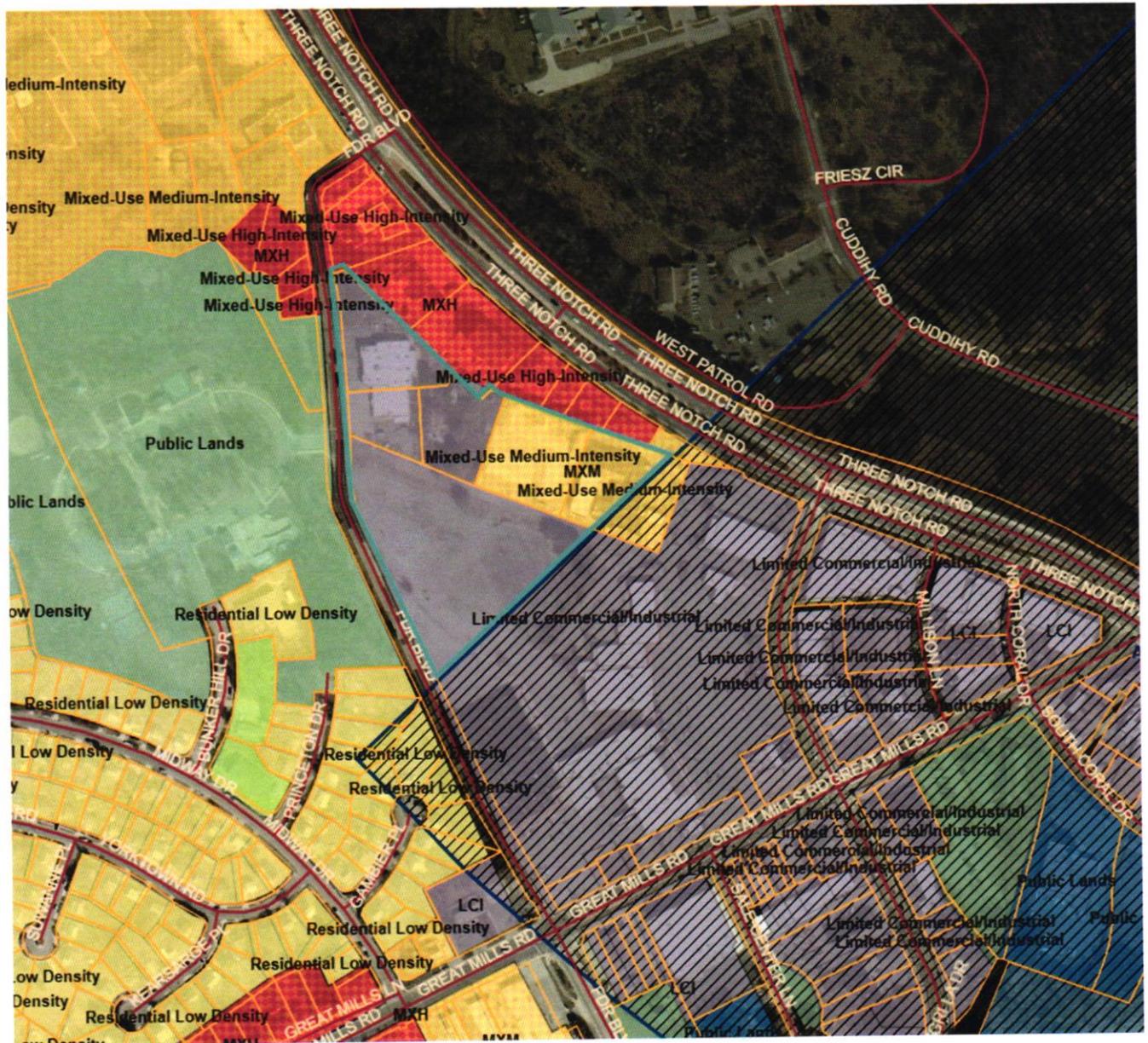
cc: Christopher T. Longmore

chris@paxlawyers.com

Land Use Map



Zoning Map





DUGAN, McKISSICK
& LONGMORE^{LLC}
ATTORNEYS AT LAW

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CHRISTOPHER LONGMORE
MANAGING PARTNER
CHRIS@PAXLAWYERS.COM
ADMITTED IN MD AND DC

October 16, 2024

Brandy Glenn
Department of Land Use and Growth Management
23150 Leonard Hall Drive
Leonardtown, MD 20650

**Re: Pax River Village Center Zoning Map Amendment
LUGM Control Number (TBD)**

Dear Ms. Glenn:

Please accept this letter as part of the application of Lexington Park Shopping Center LLC and Three Notch Ortho LLC (the "Applicants") to amend both the Land Use and Zoning Maps for their respective properties described below. The Applicant is seeking the amendment to the maps based on two grounds: (1) there has been a significant change in the character of the neighborhood/area where the properties are located and/or (2) there was a mistake in the original zoning of these properties. Copies of the relevant portion of the St. Mary's County Zoning Map and Land Use Map are attached hereto as Exhibits A and B. The Applicant is requesting that the St. Mary's County Zoning Maps be amended to re-zone the portion of the properties that are not within the Air Installation Compatible Use Zone ("AICUZ") to be zoned High Intensity Mixed-Use District (MXH) and to amend the St. Mary's County Land Use Map to re-classify the property's designation as Mixed-Use High-Intensity.

The Subject Properties

There are multiple properties included in this request, owned by entities that are involved in the re-development of the mixed-use development now known as Pax River Village Center. The properties that are included in the request are identified as follows:

- Lexington Park Shopping Center LLC
 - Tax Map 43A, Parcel 105
 - Tax Map 43A, Parcel 338
 - Tax Map 43A, Parcel 339
- Three Notch Ortho LLC
 - Tax Map 43, Parcel 100

And more clearly identified on the map attached hereto as Exhibit C.

These properties are adjacent to properties which are zoned MXH (as well as properties zoned RNC including Nicolet Park). The properties are located in Lexington Park, with a portion of the properties fronting Three Notch Road (Maryland Route 235). Copies of the Maryland State Department of Assessments and Taxation ("SDAT") information sheets for the Subject Properties are attached hereto as Exhibit D and the current deeds to the properties are attached hereto as Exhibit E.

The properties are part of the second phase of development for the redevelopment of the Pax River Village Center (formerly known as Millison Plaza). The applicants, through their agents, have submitted a concept site plan for redevelopment of the Subject Properties, which has been assigned the tracking number of CSP24-0398. This concept site plan application will continue to be positive redevelopment of the center and these zoning map amendments are necessary to obtain approval of the proposed concept site plan.

Change in Character of the Neighborhood/Area Where the Properties are located

Lexington Park has been subject to extensive growth and development in recent years and, more significantly, is being redeveloped and improved in the area immediately near the subject properties. This is evidenced by the extensive development and zoning classification of the properties neighboring the Subject Properties. Examples of this include the redevelopment of the property along Tulagi Place and the recent significant renovations and improvements to the properties to the south of the Subject Properties along Maryland Route 235. It has long been a goal of our County to have this specific area, i.e., the properties just outside of the Patuxent River Naval Air Station, redeveloped in a positive way. In recent years, and after a long wait, these efforts have accelerated and are well underway. There are also other new and redevelopment projects within the neighborhood that are under construction or in development which will further redevelop the neighborhood.

In addition, there is currently construction activity on the first phase of the redevelopment of Pax River Village Center (formerly known as Millison Plaza), including the construction of a new full-service grocery store as well as additional food, service, and retail businesses. The existing buildings within Pax River Village Center (formerly known as Millison Plaza) are also being renovated and improved, as well as significant infrastructure improvements to make the center more vehicle and pedestrian friendly. Recently, a need for additional housing options has become a significant need within our community, and more specifically within the Lexington Park Development District. All of these changes within this neighborhood warrant a rezoning of the Subject Properties and will allow the applicants to further redevelop the center and include a housing element that will continue to strengthen the heart of Lexington Park into a safe and thriving community.

The Applicant requests that the neighborhood for this request be considered as those properties adjacent and in close proximity (or with primary access to) Three Notch Road (Maryland Route 235) between Pegg Road and Tulagi Place, as well as those properties adjacent

and in close proximity to (or with primary access to) Great Mills Road from its intersection with Three Notch Road (Maryland Route 235) and its intersection with Westbury Boulevard.

Mistake Regarding the Current Zoning and Land Use Designations of the Subject Property

The Applicant also asserts that there was an inadvertent mistake made when the Subject Properties last rezoned. The majority, in terms of area, of the Subject Properties are zoned Limited Commercial Industrial District (LCI). The primary purpose of the LCI District, according to the Comprehensive Zoning Ordinance, is as follows: "[t]he Limited Commercial Industrial zoning district is intended for low-occupancy commercial and industrial uses appropriate for location within the AICUZ." The LCI was a new zoning district created out of the 2019 Lexington Park Development District Plan. While a significant portion of the Pax River Village Center is located within the AICUZ, the portion of the Subject Properties that are subject to this request are not within the AICUZ. Therefore, the LCI district is not appropriate since the properties at issue do not further the stated purpose of the LCI described above. The primary zoning of the properties adjacent to the Subject Properties that are adjacent to Three Notch Road is MXH, and rezoning the portion of the Subject Properties that is not within the AICUZ would be the most appropriate zoning category for the Subject Properties.¹

Requested Action

In light of the above, the Applicant respectfully requests that the Subject Properties be rezoned on the St. Mary's County Zoning map from Limited Commercial Industrial (LCI) and Medium Intensity Mixed-Used (MXM) to High Intensity Mixed-Use Medium (MXH). Further, the Applicants request that the Land Use designations for the Subject Property be changed on the County Land Use Map from being designated as Limited Commercial Industrial and Mixed-Use Medium Intensity to being designated as Mixed-Use High Intensity.

We look forward to working with you on this request and I am happy to answer any questions or provide any additional information needed, or that would be helpful with this process.

Respectfully,

Christopher T. Longmore /cc

Christopher T. Longmore

¹ In addition to the LCI zoning of some of the Subject Properties, there is also a portion of the Subject Properties that is currently zoned as Medium Intensity Mixed-Use (MXM). This is essentially an "island" of MXM property sandwiched between the adjacent properties that are zoned LCI and MXH. The currently MXM properties were the site of a dilapidated former hotel that was causing significant safety and crime problems for the neighborhood. The applicants and their agents have demolished the old hotel buildings as part of their redevelopment of Pax River Village Center.

Wes Moore, Governor
Aruna Miller, Lt. Governor



Rebecca L. Flora, AICP, Secretary
Kristin R. Fleckenstein, Deputy Secretary

Maryland DEPARTMENT OF PLANNING

December 23, 2024

James Thompson, Chair
Planning Commission
St. Mary's County
P.O. Box 653
41770 Baldrige St.
Leonardtown, MD 20650

Re: Draft St. Mary's County Comprehensive Plan - Land Use Amendments

Dear Chair Thompson,

Thank you for the opportunity to comment on the draft land use map amendments (Plan Amendment) to the St. Mary's County Comprehensive Plan, adopted 2010 (Comprehensive Plan) and Lexington Park Development District Master Plan, adopted 2016 (LPDD Master Plan). The Maryland Department of Planning (MDP) believes good planning is important for efficient and responsible development that addresses resource protection, adequate public facilities, housing, community character, and economic development. Please keep in mind that MDP's comments reflect the department's suggestions for county considerations as the amendment process proceeds.

MDP forwarded a copy of the Plan Amendment to several state agencies for review, including: the Maryland Departments of Transportation, Environment, Natural Resources, Commerce, Environment, and Housing and Community Development. To date, we have received comments from the Maryland Department of the Environment, which are attached to this letter. Any plan review comments received after the date of this letter will be forwarded to you upon receipt.

This Plan Amendment includes proposed land use designation changes for the Cusic Properties, LLC property (Three Notch Rd.), Belden property (Goddard Rd.), and Pax River Village Center properties (FDR Blvd.). As noted in the county's submission materials, all three amendments would require updates to the 2030 Land Use Concept Plan Map on page 4-11 of the Comprehensive Plan. In addition, the Belden Property amendment, if adopted, would require updating the boundary of the Lexington Park Development District in both the Comprehensive Plan and LPDD Master Plan, as well as the property's land use designation in the LPPD Master plan. The Pax River Village Center amendment would similarly require updating the properties' land use designations in the LPDD Master Plan.

MDP notes that the Plan Amendment appears to be driven by property owner applications to both amend the Comprehensive Plan/LPDD Master Plan and rezone the subject properties. Amending the properties' land use designations prior to a rezoning is an appropriate step in the planning process. MDP's comment below do not otherwise address the rezoning requests, which are subject to the decision making and legislative process of St. Mary's County and the requirements of the Land Use Article.

Maryland Department of Planning • 120 E. Baltimore St., 20th Floor • Baltimore • Maryland • 21202

Tel: 410.767.4500 • Toll Free: 1.877.767.6272 • TTY users: Maryland Relay • Planning.Maryland.gov

General Comments

- All three proposed land use amendments would increase the economic and residential development potential of the subject properties in areas either already planned for growth, adjacent to existing growth areas, or already containing compatible uses. MDP supports targeted growth planning to enhance economic growth and an increased housing supply.
- As the land use category changes seem to indicate increases in use intensity and development/redevelopment density, has the county conducted an analysis of the impact of the increased intensity/density on future demand and capacity for water and sewer resources? Has the county considered how the increases in intensity/density will impact storm water, nutrient loading, and climate change considerations? MDP's [Water Resources Element \(WRE\) Guidance Update](#) can be used to guide the county regarding best practices for water resources planning.
- The Lexington Park Development District mixed-use land use designation naming appears to be inconsistent across the Comprehensive Plan, LPDD Master Plan, and the [St. Mary's County Full GIS Map](#). For example, the Comprehensive Plan uses the label "Downtown Mixed-Use", while the LPDD Master Plan and GIS Map use "Mixed-Use High Intensity". The county should consider using this amendment process to unify the definitions and labeling of mixed-use categories across all three planning documents.
- If these amendments are adopted, as part of the adoption process the county should also amend the Comprehensive Plan's Distribution by Land Use Table on page 1-6.
- For state roadways, the State Highway Administration's access management policies and processes can guide and support potential developments that may result from the proposed land use/zoning changes.

Cusic Properties, LCC Property - Three Notch Rd. (Tax Map 20, Parcel 163)

This amendment would change the land use designation for a portion of the property from Rural Preservation to Rural Commercial Limited. The property currently has a split designation, with the northwestern portion already designated as Rural Commercial Limited and containing existing small scale commercial uses. The property is not designated as a county growth area nor as a Priority Funding Area and is significantly detached from the Lexington Park and Leonardtown Development Districts.

The Comprehensive Plan describes the Rural Preservation and Rural Commercial Limited Land Use Concepts on page 3-6. The Rural Preservation description acknowledges that nonconforming commercial and residential uses exist in these areas but also states that the designation "limits their expansion and creation". The Rural Commercial Limited description notes that the designation, which this amendment would extend to the entire property, is intended to "not alter the historic character of these areas that are located outside of a development district or town center".

In describing the Rural Commerce Land Use Concept, page 4-25 the Comprehensive Plan states that the expansion of commercial uses in these areas should be "consistent with the principle of the rural preservation district". Finally, page 4-3 of the Comprehensive Plan states that "[n]ew commercial uses must not be scattered along the County's rural roads, but promoted as infill development in and around traditional rural service centers, such as Budd's Creek, Oraville, Helen, Avenue, St. James, Dameron and Park Hall". The Cusic Properties, LLC property is not located in one of those rural service centers. MDP acknowledges the practicality and consistency that a unified land designation for this property would

provide, but also suggests that the county consider if the expansion of other small scale commercial uses on this property aligns with the land use descriptions and Comprehensive Plan actions listed above.

Belden Property – Goddard Rd. (Tax Map 51, Parcel 101)

This amendment would change the property's land use designation from Rural Preservation to Mixed-Use Medium Density. The amendment would also extend the Lexington Park Development District boundary to include the property. The property is not designated as a county growth area nor as a Priority Funding Area but is adjacent to the Lexington Park Development District across MD Route 5 and bordered by Mixed-Use Medium Density properties to the west, Industrial and Non-Profit Industrial properties to the north, and other Rural Preservation properties to the east and south.

The county should consider if development in proximity to this property since Comprehensive Plan adoption warrants the amended land use designation. Page 2-1 notes, when describing implementation of the previous 2002 comprehensive plan, that "[b]ecause the Comprehensive Plan reduced the size of the Lexington Park and Leonardtown Development Districts, corresponding areas northwest of Leonardtown and southwest of Lexington Park were down-zoned from Residential Low Density (RL) to Rural Preservation District (RPD)". MDP does not know if the subject property, which is immediately southwest of the Lexington Park Development District, was part of that downzoning, but the reduction in land use intensity/density to support the shrunken growth areas highlights an intentional decision by the county to limit growth southwest of the Lexington Park Development District. Does the county believe that development adjacent to the property, since these down-zonings were enacted, indicates a need to expand the growth area where once it was reduced?

If the county adopts this land use amendment and adds the property into the Lexington Park Development District, it should also consider the impact on the Great Mills Corridor and the county's water and sewer plan (WSP). If added, will the property be included in the Great Mills Corridor Subarea (Subarea and Focus Area Designations Map, Page 1-6 of LPDD Master Plan), to which it is immediately adjacent, and thus be subject to the same strategies described on pages 2-14 and 2-15 of the LPDD Master Plan? The property is also not designated for public and water service in the county's WSP. Does the county intend to amend the WSP to designate the property for service if the amendment is adopted? If so, the county should consider designating the property as Priority Funding Area following adoption of a WSP amendment to plan the property for service.

Pax River Village Center – FDR Blvd. (Tax Maps 43A and 43, Parcels 105, 338, 339, 100)

This amendment would change the properties' land use designations from Limited Commercial/Industrial and Mixed-Use Medium Intensity to Mixed-Use High Intensity. The properties are designated as a Priority Funding Area and included in the Lexington Park Development District's Downtown Subarea. They are bordered by Mixed-Use High-Density properties to the north, Limited Commercial/Industrial properties to the south and east, and parkland to the west.

The proposed land use intensification for the subject properties appears to align with the policies and strategies of the LPDD Master Plan. The "Transforming the Downtown Area" visions on page 1-2 foresee a mix of uses and varied housing options. In describing the Downtown Subarea, the LPDD Master Plan prioritizes two areas for redevelopment, one of which includes the subject properties. The LPDD Master Plan envisions it as a "Downtown Gateway that extends along FDR Boulevard south of Pegg Road. This

area offers easy access to NAS Gate 1 and is envisioned to provide lodging, restaurants, services and activities for tourists and for personnel associated with the NAS" (page 2-2). The Pax River Village Center properties also appear to be labeled as a "Potential redevelopment" area on the Downtown Development Strategy Map on page 2-3. The intensified land use designation would support redevelopment.

The amendment advances compatible use priorities with Naval Air Station PAX River (PAX River) as described in the Comprehensive Plan and LPDD Master Plan. The properties are outside of the Air Installation Compatible Use Zone (AICUZ). The Comprehensive Plan includes a policy to "[e]ncourage building heights that will make mixed use projects economically feasible, except where AICUZ and AE (Airport Environs) zoning districts lower heights" (page 4-7), while the LPPD Master Plan includes recommendations to "[p]romote viable new residential development in and near Downtown outside of the AICUZ" and "[c]ontinue coordination with the Navy to protect the AICUZ for both accident potential zones (APZ) and noise zones pursuant to the latest studies" (page 1-7). MDP encourages the county and property owners to engage PAX River on redevelopment plans for the Pax River Village Center and during the county's comprehensive plan update.

If you have any questions or concerns regarding these comments, please email me at joseph.griffiths@maryland.gov.

Sincerely,



Joseph Griffiths, AICP
Director, Planning Best Practices

Enclosures: Review Comments, Maryland Department of the Environment

cc: Jessica Andritz Esq., Director, St. Mary's County Land Use & Growth Management
Courtney Jenkins, AICP, Deputy Director, St. Mary's County Land Use & Growth Management
Carter Reitman, Lead Housing Planner, MDP
Susan Llareus, Planning Supervisor, MDP



St. Mary's County Land Use Map Amendments (60-Day Review)

Maryland Department of the Environment – WSA/WPRPP

REVIEW FINDING: R1 Consistent with Qualifying Comments
(MD20241025-0812)

Water and Sewer:

The properties located at 25741 Three Notch Road, Hollywood, and 20698 Goddard Road, Great Mills are shown as not planned for with water or sewer service in the County's Water and Sewer Plan. If because the change in Landuse would necessitate connection to the service, a Water and Sewer Plan Amendment will be necessary for the properties.

Tier II:

Direct any questions regarding the Antidegradation Review to Angel Valdez via email at angel.valdez@maryland.gov, or by phone at 410-537-3606.

Special protections for high-quality waters in the local vicinity, which are identified pursuant to Maryland's anti-degradation policy.

Anti-degradation of Water Quality: Maryland requires special protections for waters of very high quality (Tier II waters). The policies and procedures that govern these special waters are commonly called "anti-degradation policies." This policy states that "proposed amendments to county plans or discharge permits for discharge to Tier II waters that will result in a new, or an increased, permitted annual discharge of pollutants and a potential impact to water quality, shall evaluate alternatives to eliminate or reduce discharges or impacts." Satisfactory completion of the Tier II Antidegradation Review is required to receive numerous State permits, such as those for wastewater treatment, nontidal wetlands disturbance, waterways construction, and coverage under the general construction permit.

The Tier II review is applicable to all portions of the project within the Tier II watershed of **McIntosh Run 2 & Hillton Run 1**. The Review consists of (1) a no-discharge alternatives analysis which considers if the activity can avoid any impacts to Tier II waters, i.e., an alternative site or strategic design, (2) a minimization alternatives analysis to limit associated water quality degradation, and potentially (3) a mitigation analysis to account for net loss of vital resources such as forest cover. If there is no assimilative capacity within the Tier II watershed identified above, additional social and economic justification for

unavoidable impacts is required. No assimilative capacity means that new water quality data indicates that the Tier II stream segment has degraded below Tier II standards.

To ensure that essential information is provided to MDE when conducting the Tier II Review, MDE has developed forms to assist applicants in completing the no-discharge alternatives analysis, minimization analysis, and mitigation analysis. Adequate completion of these forms and accompanying Tier II report is required to successfully satisfy the Review and is necessary for State permitting and other approvals. A Tier II report template, which uses the information from the completed forms, is also available to help with document formatting and information organization. There are some activities that may require MDE permitting and approval but may not warrant additional Tier II review. Applicants are encouraged to review the Tier II Determination of No Additional Review Form and its applicability to the project before proceeding with the more detailed review analysis explained below.

Determination of No Additional Tier II Review Form V1.1¹

1. Code of Maryland Regulations (COMAR) 26.08.02.04-2 (G(1)) states that “If a Tier II antidegradation review is required, the applicant shall provide an analysis of reasonable alternatives that do not require direct discharge to a Tier II water body (no-discharge alternative). The analysis shall include cost data and estimates to determine the cost effectiveness of the alternatives”.
2. This form is for the evaluation of land disturbing activities such as those requiring a nontidal wetlands or waterways construction permit, or a general stormwater construction permit (NOI), to demonstrate that:
 - a. the project is exempt from the no-discharge alternatives analysis; and
 - b. the project consists of minor, unavoidable impacts to on-site streams, including stream buffers averaging 100'; and
 - c. the project will not cause net forest loss in the affected Tier II watershed, or loss will be less than 1 acre; and
 - d. all impervious surfaces associated with the project are treated with environmental site design practices, with existing structures with remaining capacity.

Tier II No-Discharge Analysis Form V1.2:²

1. Code of Maryland Regulations (COMAR) 26.08.02.04-2 (G(1)) states that “If a Tier II antidegradation review is required, the applicant shall provide an analysis of reasonable alternatives that do not require direct discharge to a Tier II water body (no-discharge alternative). The analysis shall include cost data and estimates to determine the cost effectiveness of the alternatives”.

¹ https://mde.maryland.gov/programs/water/TMDL/WaterQualityStandards/Documents/Tier-II-Forms/TierII_NoAdditionalReview_v1.1.pdf

² https://mde.maryland.gov/programs/water/TMDL/WaterQualityStandards/Documents/Tier-II-Forms/TierII_NoDischargeAnalysis_Form.pdf

2. For land disturbing projects that result in permanent land use change, this 'no discharge' analysis specifically evaluates the reasonability of other sites or alternate routes which could be developed to meet the project purpose, but are located *outside* of the Tier II watershed. Reasonability considerations, as applicable, may take into account property availability, site constraints, natural resource concerns, size, accessibility, and cost to make the property suitable for the project.
3. This analysis shall be performed regardless of whether or not the applicant has ownership or lease agreements to a preferred property or route.

Tier II Minimization Alternative Analysis Form V1.2:³

1. Code of Maryland Regulations (COMAR) 26.08.02.04-2 (G(3)) states that "If the Department determines that the alternatives that do not require direct discharge to a Tier II water body are not cost effective, the applicant shall: (a) Provide the Department with plans to configure or structure the discharge to minimize the use of the assimilative capacity of the water body".
2. This form helps to ensure that water quality impacts due to the proposed project are comprehensively identified and minimized.
3. To demonstrate that appropriate minimization practices have been considered and implemented, applicants must identify any minimization practices used when developing the project, calculate major Tier II resource impacts, consider alternatives for impacts, and adequately justify unavoidable impacts.

Tier II Mitigation Analysis Form V1.0:⁴

1. Code of Maryland Regulations (COMAR) 26.08.02.04-2 (G(3)) states that "If the Department determines that the alternatives that do not require direct discharge to a Tier II water body are not cost effective, the applicant shall: (a) Provide the Department with plans to configure or structure the discharge to minimize the use of the assimilative capacity of the water body".
2. No net change in Tier II water quality is the overarching goal of the Tier II Review, and mitigation is an essential part of the analysis process to reduce cumulative degradation prior to justification of unavoidable impacts.
3. This form helps to ensure that alternatives to mitigate or offset unavoidable impacts to Tier II watersheds and streams are identified and properly implemented.
4. Mitigation and offsets are required before MDE can evaluate any social and economic justifications.

³ https://mde.maryland.gov/programs/water/TMDL/WaterQualityStandards/Documents/Tier-II-Forms/TierII_Minimization_Form.pdf

⁴ https://mde.maryland.gov/programs/water/TMDL/WaterQualityStandards/Documents/Tier-II-Forms/TierII_Mitigation_Form_v1.0.pdf

Construction Stormwater Antidegradation Checklist - Version 1.3 ⁵

1. To complete the checklist, applicants are required to coordinate with the County or appropriate approval authority when developing construction plans and stormwater management plans.
2. Applicants are required to provide this form when seeking a NOI/DOI for coverage under the General Permit for Stormwater Associated with Construction.
3. Applicants are required to submit a Tier II Letter of Completion before coverage under the General Permit for Stormwater Associated with Construction is granted.

McIntosh Run 2 & Hillton Run 1, which is located within the vicinity of the Project, has been designated as a Tier II stream. The Project is within the Catchment (watershed) of the segment. (See attached map).

Currently, there is assimilative capacity in this watershed; therefore at this time, no detailed social and economic justification is needed.

Planners should be aware of legal obligations related to Tier II waters described in the Code of Maryland Regulations (COMAR) 26.08.02.04 with respect to current and future land use plans. Information on the Antidegradation Policy can be obtained online at:
<https://dsd.maryland.gov/regulations/Pages/26.08.02.04.aspx>
and Tier II Waters are located at
<https://dsd.maryland.gov/regulations/Pages/26.08.02.04-2.aspx>

Planners should also note as described in the Code of Maryland Regulations (COMAR) 26.08.02.04-2(B), "Compilation and Maintenance of the List of High Quality Waters", states that "When the water quality of a water body is better than that required by water quality standards to support the existing and designated uses, the Department shall list the water body as a Tier II water body. *All readily available information may be considered to determine a listing. The Department shall compile and maintain a public list of the waters identified as Tier II waters.*"

Additional Tier II resources are available on the Maryland's High Quality Waters (Tier II) website:
https://mde.maryland.gov/programs/water/tmdl/waterqualitystandards/pages/antidegradation_policy.aspx.

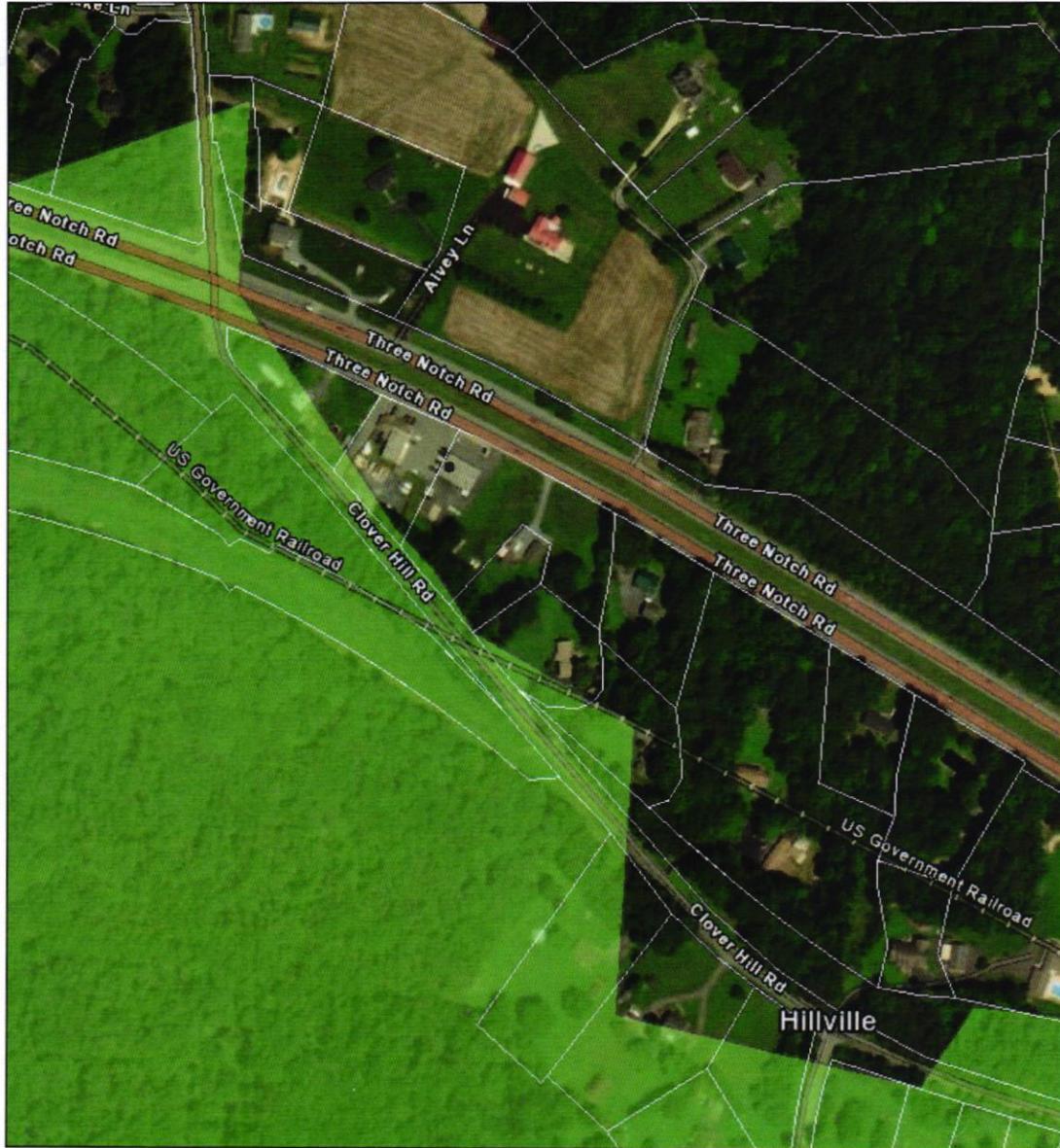
The public list is available in PDF from the following MDE website:
http://mde.maryland.gov/programs/Water/TMDL/WaterQualityStandards/Documents/Tier_II_Updates/Antidegradation-Tier-II-Data-Table.pdf.

⁵ <https://mde.maryland.gov/programs/water/TMDL/WaterQualityStandards/Documents/Tier-II-Forms/Antidegradation-Checklist.pdf>

The interactive Tier II webmap is located at the following website:
(<https://mdewin64.mde.state.md.us/WSA/TierIIWQ/index.html>).

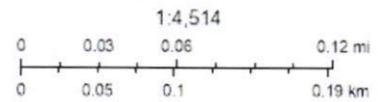
Direct any questions regarding the Antidegradation Review to Angel Valdez via email at angel.valdez@maryland.gov, or by phone at 410-537-3606.

MD20241025-0812 - McIntosh Run 2



11/21/2024, 3:03:30 PM

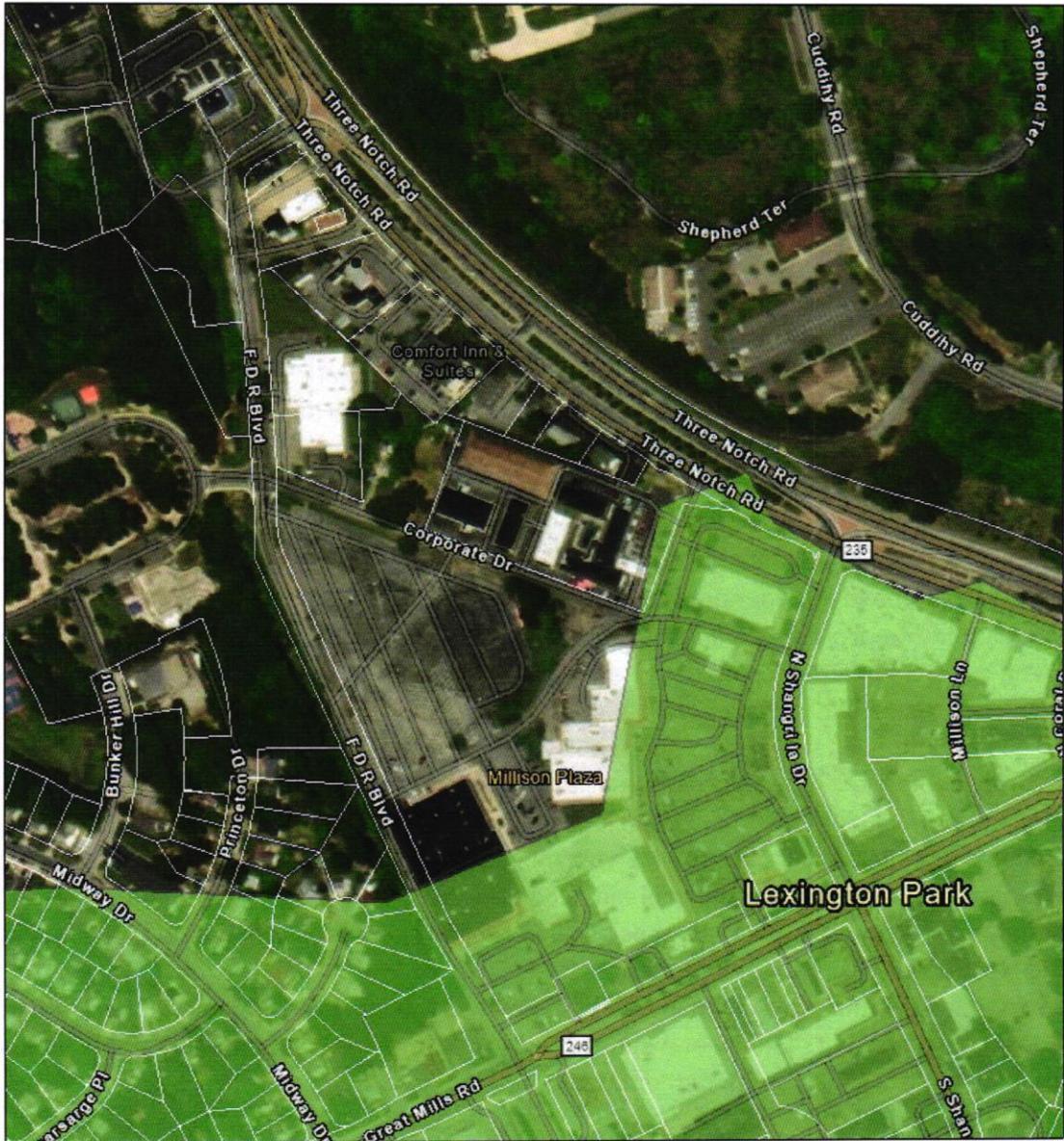
- MD_ParcelBoundaries - Parcel Boundaries
- Tier II AC Catchments 2022
 - Assimilative Capacity Remaining
 - No Assimilative Capacity Remaining
- Tier II Stream Segments 2022
- Tier II Baseline Stations 2022
- Maryland County Boundaries



Esri Community Maps Contributors, Calvert County, St Marys County, VGIN,
OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,
GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, US Census Bureau,
USDA, USFWS, Creator: Maryland Department of the Environment, Water
and Science Administration (MDE WSA), MDE, Maxar

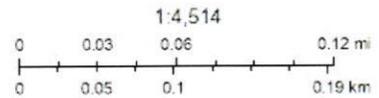
Web AppBuilder for ArcGIS
MDE | Creator: Maryland Department of the Environment, Water and Science Administration (MDE WSA) | MD IMAR, MDR, SDAT | Maxar | Esri Community Maps Contributors, Calvert County, St

MD20241025-0812 - Hillton Run 1



11/21/2024, 3:03:24 PM

- MD_ParcelBoundaries - Parcel Boundaries
- Tier II AC Catchments 2022
 - Assimilative Capacity Remaining
 - No Assimilative Capacity Remaining
- Tier II Stream Segments 2022
- Tier II Baseline Stations 2022
- Maryland County Boundaries



Creator: Maryland Department of the Environment, Water and Science Administration (MDE WSA), MDE, Esri Community Maps Contributors, St Marys County, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Maxar

Web AppBuilder for ArcGIS

**MDE Comments for Environmental Clearinghouse Project
St. Mary's County Land Use Map Amendments
(60-Day Review)**

Response Code: R-1

1. Any above ground or underground petroleum storage tanks, which may be utilized, must be installed and maintained in accordance with applicable State and federal laws and regulations. Underground storage tanks must be registered and the installation must be conducted and performed by a contractor certified to install underground storage tanks by the Land and Materials Administration in accordance with COMAR 26.10. Contact the Oil Control Program at (410) 537-3442 for additional information.
2. If the proposed project involves demolition – Any above ground or underground petroleum storage tanks that may be on site must have contents and tanks along with any contamination removed. Please contact the Oil Control Program at (410) 537-3442 for additional information.
3. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.
4. The Solid Waste Program should be contacted directly at (410) 537-3315 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.
5. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please Land Restoration Program at (410) 537-3437.
6. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may requires site approval. Contact the Mining Program at (410) 537-3557 for further details.

Sianli Blasco

From: Pajewski, Hannah N CIV USN COMNAVFACSYSCOM (USA)
<hannah.n.pajewski.civ@us.navy.mil>
Sent: Tuesday, February 25, 2025 4:33 PM
To: Sianli Blasco; Brandy Glenn
Cc: Jessica Andritz; Courtney Jenkins; Raley, Ashley M CIV (USA)
Subject: NAS PAX Comments on PRVC

Good Afternoon Sianli and Brandy,

Below, are the NAS PAX's comment to SMC regarding the PRVC Townhome and Barbershop developments. We have also included a comment regarding the zoning changes. Please reach out to me if you have any questions. If any changes occur to the projects, please provide us with a detailed update as soon as possible.

SMC Townhome Development: The proposed townhome development is located outside yet adjacent to APZ-II. It is worth noting that while the risk of accidents is lower outside of an APZ, it is not negligible. APZs are based on predominant flight paths, for example approach/departure paths for runway usage, meaning some flights will inevitably occur outside the designated APZ areas. The current AICUZ study, on which these zones are based, was conducted over 20 years ago. It is important to note that a **new AICUZ study is slated to begin in 2025**, to assess current and future operational patterns, which may result in a change to the APZ boundaries.

Based on the most recent noise study conducted in 2018, the location of the potential townhomes is under a 60 to 65dB noise contour. While this does not require additional noise attenuation, it may be beneficial. It also means that this area is prone to frequent flights and/or louder noise events. From a noise and risk management perspective, lower density developments are preferable in areas close to APZ-II boundaries to minimize potential impact areas.

SMC Barbershop Development: NAS PAX does not have any concerns regarding the development of a barbershop within the APZ-II of the Pax River Village Center as it is considered compatible as presented (NRESRE24-2209; 21795 N Shang-Ri La Dr.). If there are any changes to this space, please reach out to NAS PAX and provide us with a detailed update.

Rezoning: NAS PAX does not support any rezoning under the APZ-II from Limited Commercial / Industrial (LCI) to High Intensity Mixed-Use (MXH), as it may have the potential to increase density or allow for uses incompatible with the Navy's AICUZ guidance.

V/r,

Hannah N. Pajewski

Community Planning Liaison Officer (CPLO)
Public Works Department Pax River
Patuxent River, MD 20670
Hannah.N.Pajewski.CIV@US.NAVY.MIL
NEW Cell Phone #: (202)-277-1749



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**TEC AGENCY CONCEPT
APPROVAL TRANSMITTAL**

TO: Department of Land Use and Growth Management

FROM: St. Mary's County Metropolitan Commission

RE: ZONE24-0413 Pax River Village Center Zone Amendment–21703 Great Mills Rd
Control Number and Project Name

DATE: October 30, 2024

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

YES

NO

1. MetCom has no objection to the zoning map amendment.

SIGNATURE: _____

Anna Wells

Anna Wells, P.E., MetCom Senior Engineer

MEMO

To: Brandy Glenn, LUGM
From: Garrett Sterling, St. Mary's Soil Conservation District
Subject: Development Review Application Comments
Date: October 29, 2024

Pursuant to the provisions of St. Mary's County Development Ordinances, the following comments are offered for consideration in review of the project titled: Pax River Village Center, zoning number #zone 24-0413

This submission circulated for review meets the requirements for **preliminary approval** by this agency as submitted.

YES NO

Additions and corrections required or recommended by this agency prior to final approval are as follows:

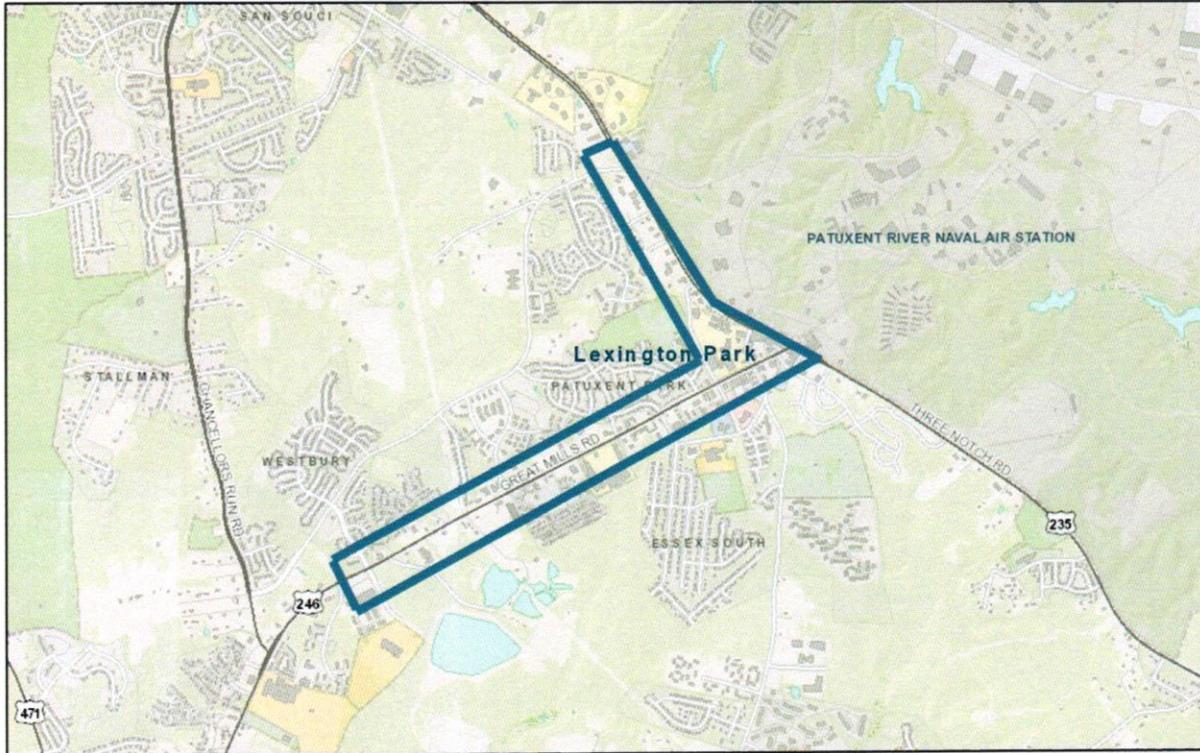
St Mary's Soil Conservation has no comments on this Application



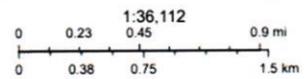
Garrett Sterling, Erosion and Sediment Control Specialist

Neighborhood Map – Attachment 9

ArcGIS Web Map



3/14/2025, 2:18:12 PM



Printed from the Public GIS Map
Provided by the St Marys County Government