

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

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



**BOARD OF COUNTY COMMISSIONERS:**

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

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**Notice of Public Hearing**

**Proposed Rezoning**

**NOTICE IS HEREBY GIVEN** that the Commissioners of St. Mary's County will conduct a public hearing, in the Public Meeting Room of the Chesapeake Building located at 41770 Baldrige Street, Leonardtown, Maryland, on Tuesday, November 19, 2013 beginning at 10:15 a.m. for the purpose of receiving public testimony on a proposed amendment to St. Mary's County Ordinance Z-10-02 that would result in the rezoning of certain property in St. Mary's County described as follows:

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

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

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

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

Please publish as a legal notice in the *Enterprise* on November 1, 2013 and November 8, 2013.

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STAFF REPORT

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

Subject Property:

Lot 1 (6.0 acres ±) Parcel 0104 of Tax Map 0042  
44867 Saint Andrews Church Road, California, Maryland

Current Zoning: Rural Preservation District RPD

Proposed Zoning: Residential Mixed Use RMX

Planning Commission hearing date: October 28, 2013

County Commissioner hearing date: November 19, 2013

Background

Walden Sierra is a not-for-profit behavioral health organization located at 44861 St. Andrews Church Road on land belonging to the Commissioners of St. Mary's County and described as Lot 1 of Parcel 104 on Tax Map 42 (hereafter the Property). At this location Walden Sierra provides mental health therapy and psychiatric services, trauma counseling and support services, and outpatient prevention of drug and alcohol addiction. In addition to the outpatient clinics and offices, a residential halfway house is also located on the Property. In anticipation of conveying the Property upon which these facilities are situated to Walden Sierra, the County has subdivided a 6-acre lot (identified as Lot 1) off of the 202 acres of Parcel. There are three wood frame structures on the property, two of which are single story and one of two stories, and a paved parking lot. The facility is served by public water and a septic system. Four of the six acres are forested.

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

Petitioner's Case for Rezoning: mistake in original zoning

Following the comprehensive rezoning of 2010 (Z-10-02), Parcel 104 was zoned Rural Preservation District (RPD). At that time the County did not foresee the possibility of Walden Sierra taking possession of the Property. As long as Walden Sierra was a County-owned facility, it was a permissible conditional use within the RPD zone. Once the County subdivides Parcel 104 and transfers ownership of Lot 1, Walden Sierra will become a nonconforming use in the RPD zone. Lot 1 must be rezoned to a category that will allow the

current use so that continued operation and expansion of Walden Sierra will not be hampered by the nonconforming status.

### Staff Analysis

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

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

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

### Conclusion and recommendation

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

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

Subject: Recommended Amendment to  
Ordinance No. Z-10-02 to rezone the  
Walden Sierra Property, Case No. 13-245-001.

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**RESOLUTION**

**TO AMEND THE ST. MARY'S COUNTY COMPREHENSIVE ZONING ORDINANCE  
TO REZONE THE WALDEN SIERRA PROPERTY, CASE NO. 13-245-001**

**WHEREAS**, Walden Sierra is a not-for-profit behavioral health organization located at 44861 St. Andrews Church Road on land belonging to the Commissioners of St. Mary's County and described as Lot 1 of Parcel 104 on Tax Map 42 (hereafter the Property); and

**WHEREAS**, outpatient clinics, offices, and a residential halfway house are located on the Property in three wood frame structures, and are served by a paved parking lot; and

**WHEREAS**, the Property was zoned RPD Rural Preservation District by way of a comprehensive rezoning in 2010 (reference Ordinance No. Z-10-02); and

**WHEREAS**, the operations of Walden Sierra have been conducted as a permissible conditional use within the RPD zone; and

**WHEREAS**, the Commissioners of St. Mary's County intend to convey the Property to Walden Sierra; and

**WHEREAS**, the Commissioners of St. Mary's County have filed an application to change the zoning of the Property from RPD to RMX Residential Mixed Use; and

**WHEREAS**, a public hearing was advertised in the October 11, 2013 and October 18, 2013 editions of *The Enterprise*, a newspaper of general circulation in St. Mary's County, notice of the hearing was duly posted on the Property and were sent to adjoining property owners, and the hearing was conducted on October 28, 2013 by the St. Mary's County Planning Commission.

**NOW THEREFORE**, the St. Mary's County Planning Commission finds that:

1. A mistake was made in 2010 when Parcel 104 was zoned RPD rather than split-zoned to recognize the existence of Walden Sierra;
2. RMX zoning on the Property would allow Walden Sierra to continue and expand the services it now provides;
3. RMX zoning would be consistent with the RMX zoning of property abutting on the west and on the north side of St. Andrews Church Road across from Walden maintenance; and
4. the rezoning of the Property to RMX would be in the best interest of the public health, safety and welfare of the citizens of St. Mary's County; and

Subject: Recommended Amendment to Ordinance No. Z-10-02 to rezone the Walden Sierra Property, Case No. 13-245-001.

**NOW THEREFORE BE IT RESOLVED**, that the St. Mary's County Planning Commission recommends to the Commissioners of St. Mary's County that the zoning of the Property be changed from RPD Rural Preservation District to RMX Residential Mixed Use.

**BE IT FURTHER RESOLVED**, by the St. Mary's County Planning Commission that this Resolution shall be effective upon its adoption.

Date of Adoption: 10/28/2013

Ayes: 6

Nays: 0

Abstain: 0

**ST. MARY'S COUNTY PLANNING COMMISSION**

  
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J. Howard Thompson, Chair

Attest:

  
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Phillip J. Shire, Planning Director