

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, January 24, 2005**

Members present were Larry Greenwell, Chairman; Bryan Barthelme; Lawrence Chase; Julie King; Steve Reeves; and Howard Thompson. Joseph St. Clair was excused. Department of Land Use & Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Phil Shire, Planner IV; Trish Guy, Planner II; Mark Kalmus, Planning Technician II; and Sharon Sharrer, Recording Secretary. County Attorney John B. Norris, III, and Assistant County Attorney Heidi Dudderar were also present.

The Chair called the meeting to order at 6:32 p.m.

APPROVAL OF MINUTES – The minutes of January 10, 2005 were approved.

OLD BUSINESS

**REQUEST FOR RECONSIDERATION OF THE LEXINGTON PARK DEVELOPMENT
DISTRICT MASTER PLAN**

Mr. Reeves made a motion that the Planning Commission reconsider the Lexington Park Development District Master Plan and reopen the Plan for public hearing. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

**SIGNING OF THE RESOLUTION FOR SIX MINOR AMENDMENTS TO THE OAK
CREST CENTER DEVELOPMENT PLAN**

The Planning Commission members signed PC Resolution No. 04-06 – Minor Amendment to the Oak Crest Center PUD.

PUBLIC HEARING

CWSP #04-132-027 – BRUSTER'S REAL ICE CREAM

The applicant is requesting an amendment to service maps III-34 and IV-34 to change service categories from W-6D and S-6D (water and sewerage service in six to ten years, developer financed) to W-3D and S-3D (water and sewerage service in three to five years, developer financed). The property contains .87 acres; is zoned Town Center Mixed Use (TMX), Airport Environs (AE) Overlay; and is located at 23825 Mervell Dean Road in Hollywood, Maryland; Tax Map 34, Grid 2, Parcel 427.

Owner: Raymond Bednarcik
Agent: Larry Ludwig, of DH Steffens, Inc.

Legal ad was published in the Enterprise newspaper on 1/5/05 and 1/12/05.

Mr. Jackman explained that the subject property is located in the Hollywood Town Center, and that public sewer and water are both available on the opposite side of MD Route 235 from this property. Mr. Greenwell asked if fire hydrants are available on that side of MD Route 235. Mr. Ludwig responded that there is a fire hydrant at the corner of Mervell Dean Road and Airport View Drive.

The Chair opened the hearing to public comment.

Mr. Pete Greivell, an area property owner, spoke in support of the requested amendment. He explained that he does plan future commercial development for his property and is hoping to be able to tie into the water and sewer lines at that time.

The Chair closed the public hearing, leaving the record open for ten (10) days for written comments.

DEVELOPMENT REVIEW

CCSP #04-132-024 – JIFFY LUBE, CAR WASH & RETAIL SHOPS

The applicant is requesting review and approval of a concept site plan for a Jiffy Lube, Car Wash, and Retail Shops. The property contains 1.53 acres, is zoned Corridor Mixed Use (CMX), and is located at 22781 Three Notch Road in Lexington Park, Maryland; Tax Map 43, Grid 1, Parcel 4.

Owner: Richard & Nancy Virgin, Revocable Trust
Agent: Pat Mudd, of Day Tech Engineering

Mr. Shire said that the proposed project would be redevelopment of an existing developed site. He explained that redevelopment of developed areas is favorable, preventing sprawling out into undeveloped areas.

Mr. Thompson moved that having accepted the staff report, dated January 12, 2005; and having made a finding that the objectives of Section 60.5.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met; and noting that the referenced project has met all requirements for concept approval; the Planning Commission grant concept site plan approval, as requested. The motion was seconded by Mr. Barthelme and passed by a 6-0 vote.

CCSP #05-120-002 – SETTLERS LANDING @ FIRST COLONY PUD

The applicant is requesting review of a concept site plan for a minor amendment to a Planned Unit Development (PUD) Plan. The property contains 62 acres; is zoned Planned Unit Development -Mixed Use (PUD-X); and is located in First Colony at the southeast corner of MD Route 4, at its intersection with MD Route 235 in California, Maryland; Tax Map 34, Grids 22 & 23, Parcels 444, 455, 490, & 516.

Owner: Porto-Bello Development
Agent: Jim Gotsch, of Loiederman Soltesz Associates
Jarl Bliss, of Lincoln Property Company
Rob Robinson, of Urban Design Associates

Mr. Shire explained that the applicant is requesting two minor amendments to the approved PUD Plan. The first amendment would reverse the uses for Residential Pod #2 and Mixed Commercial Pod #6. The second amendment consists of several minor numerical design changes to some of the roads, setbacks, and lot widths. Mr. Shire said that staff does believe these changes are minor in nature. He explained that the minor design changes shown in the staff report are subject to change, and changes will need to be submitted to LUGM in writing.

Mr. Bliss explained that Lincoln Property Company is in partnership with the Navy to relocate some of the housing which is currently located on the base. He said that this is part of a nation-wide effort by the all of the branches of the armed services to privatize their housing. Mr. Bliss said that the plan is to demolish a majority of the housing on the base and move it outside of the gates and into the community. He explained that this is a 50 year partnership with the Navy, and at the end of the 50 years all of the land will become federal government land. The Navy timeline for this development is to have this housing completed by August of 2006.

Mr. Robinson, a land planner with Urban Design Associates, explained that one of the ideas behind this type of development is to provide a much higher quality of housing and neighborhoods to the service members as an incentive for the service members to remain in the armed forces. Mr. Robinson made a presentation of some of the design features of housing developments of this type which Urban Design Associates has worked on, explaining how these features help the new neighborhoods blend into the character of the area in which they are located.

Mr. Gotsch briefly outlined some of the revisions to the staff report, including changes in setbacks and road widths. He explained that they are proposing reducing the minimum setback for porches from 12 feet to 10 feet. The same 10 foot setback would be used for corner yard setbacks. Mr. Gotsch explained that they are also proposing using a 40 foot right-of-way for interior public roads, except for one entrance to First Colony Boulevard and the entrance road to the future extension of FDR Boulevard.

The Chair asked if the Department of Public Works & Transportation (DPW&T) had any issues with the Applicant's proposals. John Groeger, Deputy Director of DPW&T, explained that he had just received the paperwork but does already see some possible problems with the proposed road widths and the 15 foot radius curbs. He suggested that all items could be reviewed individually or a recommendation could be made that all issues will be worked out with DPW&T prior to approval, explaining that he would not like to see a PUD amendment which would force DPW&T into accepting a lower standard than would normally be acceptable.

Commission members expressed concerns with the narrowness of the roads, especially for school buses and tractor trailers; and the increase in traffic, especially at the intersection of FDR Blvd. and St. Andrews Church Road (MD Route 4). Mr. Gotsch explained that they are not trying to fight road standards; they are trying to follow the guidelines of the Neo-Traditional design. He said that the developer is ready to put in a signal at the intersection of FDR Blvd. and St. Andrews Church Road. He explained that the state requires that a warrant analysis be done, and the state has not yet allowed a traffic light to be put in at that location. Mr. Gotsch said that he does expect that the cumulative effect of all of development taking place in First Colony will cause a change in that decision.

Concerns were raised by Commission members regarding Adequate Public Facilities (APF), and which schools people living in this development would attend. Mr. Gotsch explained that the development is currently in the Leonardtown School District, but that it is right on the school district boundary line. Mr. Shire explained that this housing development is actually a replacement for housing that exists within the county, so it will not create a new impact on the County's schools. He explained that federal lands are not subject to the County's APF findings.

Mr. Canavan explained that the Planning Commission could go forward with a recommendation for approval of the PUD amendment with the stipulation that the Applicant must work with LUGM and DPW&T to work out the particulars on the road specifications. He said that he has already explained to the Applicant that they must prove eligibility for an exemption relevant to APF for schools.

Mr. Thompson moved that having accepted the staff report, dated January 14, 2005, and all attachments; and having made a finding that the objectives of Section 44.4.4 of the St. Mary's County Comprehensive Zoning Ordinance and Section I.E.5 of the PUD Development Plan have been met, and noting that the referenced project has met the requirements for minor amendments proposed to: (a) allow Mixed Commercial Pod #6 and Residential Pod #2 to exchange use designations, and; (b) allow incorporation of Neo-Traditional residential neighborhood design elements as described in Attachment #4 into the PUD Development Plan with the understanding that the Department of Public Works, Department of Land Use & Growth Management, and the Applicant must agree on the road

sizes and setbacks; the Planning Commission grant approval of the minor PUD amendments. The motion was seconded by Mr. Barthelme and passed by a 6-0 vote.

FSUB #04-120-007 - FORREST FARM SUBDIVISION, Section 3, Phase 6

The applicant is requesting final review and approval of a 19-lot major subdivision. The property contains 20.2 acres; is zoned Rural Preservation District (RPD); and is located on the east side of Brown Road, approximately 1.5 miles north of MD Route 4; Tax Map 33, Grid 16, Parcel 24.

Owner: Qualshire Land Development, LLC
Agent: John B. Norris, Jr., of NG&O Engineering

Mr. Reeves asked when the recreational facilities, which were supposed to have been started by time the 100th home is built, would be completed. Mr. Norris explained that the developer has done the clearing work, and the recreational facilities are scheduled for construction. He said that the first phase will be the playing fields. Mr. Norris explained that the clearing has also been done for the necessary reconstruction to Brown Road, with construction to be completed by the end of calendar year 2005.

Mr. Reeves moved that having accepted the staff report, dated January 13, 2005; and having made a finding of adequate facilities, including stormwater management as noted on the checklist in the file; and noting that the project meets all TEC agency requirements; the Planning Commission grant final subdivision plan approval, as requested. The motion was seconded by Mr. Chase and passed by a 5-0 vote, with Mr. Thompson abstaining from the vote.

FSUB #04-120-010 - FORREST FARM SUBDIVISION, Section 3, Phase 7

The applicant is requesting final review and approval of a 29-lot major subdivision. The property contains 38.883 acres; is zoned Rural Preservation District (RPD); and is located on the east side of Brown Road, approximately 1.5 miles north of MD Route 4; Tax Map 33, Grid 16, Parcel 273.

Owner: Qualshire Land Development, LLC
Agent: John B. Norris, Jr., of NG&O Engineering

Mr. Reeves moved that having accepted the staff report, dated January 13, 2005; and having made a finding of adequate facilities, including stormwater management as noted on the checklist in the file; and noting that the project meets all TEC agency requirements; the Planning Commission grant final subdivision plan approval, as requested. The motion was seconded by Mr. Chase and passed by a 5-0 vote, with Mr. Thompson abstaining from the vote.

FSUB #04-120-017 –GREENVIEW WEST, Section 2

The applicant is requesting final review and approval of Section 2, a 57-lot major subdivision. The property contains 15.87 acres; is zoned Planned Unit Development – Residential (PUDR 3.7); and is located on the west side of MD Route 237, approximately 3,500 feet south of its intersection with MD Route 235; Tax Map 43, Grid 7, Parcel 30.

Owner: Douglas Hallgren
Agent: Jerry Nokleby, of Nokleby Surveying

Mr. Shire explained that the widening strip for Chancellors Run Road will be transferred and deeded to the state prior to plat recordation. Mr. Thompson expressed concerns with any further development in this area, explaining that traffic is already very bad in the area.

Mr. Chase moved that having accepted the staff report, dated January 13, 2005; and having made a finding of adequate facilities, including stormwater management, as noted on the Adequate Facilities Report in the file; and noting that the referenced project meets as TEC agency requirements; the Planning Commission grant final subdivision plan approval, as requested. The motion was seconded by Ms. King and passed by a 5-1 vote, with Mr. Thompson voting against the motion.

DISCUSSION/REVIEW

Mr. Greenwell asked Mr. Canavan to arrange to have a meeting with Mr. Clements, from the St. Mary's County Board of Education, put on the Planning Commission agenda in the near future. He asked for copies of traffic studies done on Joy Chapel Road, both from before Hollywood Elementary School was built and from after the school and the new subdivisions off of Joy Chapel Road were built. Mr. Greenwell requested a copy of MOU between the Board of Education and the developers of Wildewood. He reminded Mr. Canavan that the Planning Commission does also want to have a discussion on TDRs put on their agenda.

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session: February
14, 2004

Larry Greenwell
Chairperson