

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

Members present were Larry Greenwell, Chairman; Joseph St. Clair, Vice Chair; Bryan Barthelme; Lawrence Chase; Julia King, Stephen Reeves; and Howard Thompson. Department of Land Use & Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Sue Veith, Environmental Planner IV; Mark Kalmus, Planning Technician; and Sharon Sharrer, Recording Secretary. County Attorney John B. Norris, III, was also present.

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

**APPROVAL OF MINUTES** – The minutes of January 24, 2005 were approved as recorded.

**PUBLIC HEARING**

**CWSP #04-110-073 – K & R SUBDIVISION**

The applicant is requesting amendment to service map IV-34 to change the sewer service category from S-6D (sewerage service in six to ten years, developer financed) to S-3D (sewerage service in three to five years, developer financed). The property contains 3.7 acres; is zoned Residential Mixed Use District (RMX), Airport Environs (AE) Overlay; and is located in the Hollywood Town Center, immediately south of the intersection of Clarks Mill Road and Mervell Dean Road; Tax Map 34, Grid 8, Parcel 613.

Owner: Randy M. Johnson, Constance A. Johnson, Kevin G. Cusic, and Mary C. Cusic  
Present: William Higgs, of Little Silences Rest, Inc.

Legal ads were published on 1/19/05 and 1/26/05. The property was posted and notices were mailed to adjoining property owners.

Since there have been several requests of this type in this area, Mr. St. Clair suggested that it might make sense to do a comprehensive overview of a waterline system through the area for funding purposes. Steve King, director of the Metropolitan Commission (MetCom), explained that MetCom had looked at putting in a water main about three years ago. Since the area is zoned Rural Preservation District (RPD), County policy will not allow a water main to be constructed through the area. He explained that if the area is rezoned, as recommended in the Lexington Park Development District Master Plan, it would be feasible to look at the question again.

Mr. Higgs explained that the applicant is only requesting a change in the sewer service category. He added that access to the proposed development will only be from Mervell Dean Road.

The Chair opened the hearing to the public.

Suzy Henderson, a resident of California, asked if expansion of the sewer and water service would have any environmental impact on the Mill Creek area. Mr. Jackman said that it should have a beneficial impact to the area, if the businesses in the area are served with utilities. Mr. King noted that the sewer main already runs along that side of the road.

The Chair closed the public hearing.

**The Planning Commission conducted and closed a public hearing, leaving the record open for ten (10) days for written comments.**

**RESIDENTIAL USES IN THE OFFICE AND BUSINESS PARK (OBP)**

Public comment regarding the amendments to the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) Section 30.4, Purposes of Base Districts; Section 31.13, Purpose of the Office and Business Park District (OBP); Schedule 32.1, Development Standards; Schedule 32.2, Modifications to Development Standards; Section 50.4, Use Classifications, Use Types, and Locations within Zoning Districts; and Section 51.3, Specific Regulations and Standards.

Legal ads were published on 1/19/05 and 1/26/05 and copies of the proposed amendments have been available for inspection.

Mr. Jackman explained that the County amended the St. Mary's County Comprehensive Zoning Ordinance in 2003 to allow residential use within the OBP, by way of a Planned Unit Development (PUD). Other sections of the Zoning Ordinance were not amended at that time, leaving residential use in the OBP without all of the needed provisions. He explained that discussions have been held with the Board of County Commissioners, and that the guidance received from the County Commissioners was that residential use within the OBP would continue to be permitted upon approval of a PUD, rather than permitted by right. Within the "Wedge" area of Lexington Park, however, up to five (5) units per acre would be allowed by right. Within the OBP zones, at least 51% of the gross site area would be devoted to non-residential use. The initial consideration would be for townhouses and multi-family units, but there could be an accommodation for transition between the Residential Low Density District (RL) and the OBP by allowing single family detached homes in this transitional area. No residences within the OBP would be allowed in the Air Installations Compatible Use Zones (AICUZ). A maximum density of 20 units per acres is suggested, with matching density in the Downtown Core Mixed Use District (DMX).

Ms. King expressed concern about the environmental impact of raising density levels in the watershed. Ms. Veith explained that any development which occurs in the watershed will be required to protect the sensitive areas and do appropriate stormwater management.

Board members asked how the proposed density for the OBP was determined. Mr. Jackman explained that this matches the prevailing density in the County. Mr. Canavan added that the OBP is comparable to the DMX, in terms of intensity of development, which has a base density of 5 units per acre.

The Chair opened the hearing to the public.

Chris Longmore, of Dugan, McKissick, Wood, & Longmore; Larry and Shawn Day, of Day Tech Engineering; and John Parlett, of CMI General Contractors all spoke in support of the amendment but expressed concern that a base density of 5 units per acre was much too low. They suggested that a base density of at least 10 units per acre would be needed to make development economically feasible. Mr. Parlett also recommended that there be no maximum footprint requirements in the OBP, and that permitted and accessory uses be reviewed and expanded to include uses typically permitted in residential settings.

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

## **LEXINGTON PARK DEVELOPMENT DISTRICT MASTER PLAN**

Discussion and reconsideration of the December 13, 2004 adoption of Resolution PC-04-05, wherein the Planning Commission did recommend and transmit to the Board of County Commissioners the "Planning Commission Recommended Draft – Lexington Park Development District Master Plan – December 13, 2004".

The Chair explained that the Planning Commission brought the Lexington Park Development District Master Plan back for reconsideration primarily for further discussion on Myrtle Point Park and the Indian Bridge Road and Wildewood school sites.

**Mr. St. Clair made a motion that the plan study for Shady Mile Drive be taken out of the Lexington Park Development District Master Plan. The motion was seconded by Mr. Reeves and passed by a 7-0 vote.**

The Chair explained that Myrtle Point Park is currently in the Development District in the Plan. He requested information on the locations of the existing water and sewer lines, in relation to Myrtle Point Park. Steve King described the existing improvements in that area, explaining that deterioration and vandalism have occurred over the years. He explained that there is also a large elevated water storage tank, which MetCom hopes to be able to relocate to a suitable location in Lexington Park where the large capacity would be more compatible with the development in the surrounding area. Mr. Greenwell asked exactly what would be involved in connecting water and sewer to the Park at this time. Mr. King responded that there are already two different sizes of sewage force mains in place. The size of the development would determine which main would be used. He explained that the well has never been abandoned, but that he does not know if it can be used without being redeveloped at this time.

Board members asked if it was possible to put a school site at Myrtle Point Park. Mr. King responded that the elevated tank could serve a school site, and would provide fire protection. He explained that it is likely that the well could provide most, if not all, of the capacity a school would require unless it has deteriorated to the point that it is not usable. Phil Rollins, Director of Recreation, Parks, & Community Services (RP&CS), explained that the Board of Education did look at Myrtle Point Park as a potential school site and determined that it was not a priority location at this time.

The Chair opened the hearing on Myrtle Point Park to public comment.

Phil Dorsey, of Leonardtown, said that it did not make sense not to utilize a property the size of Myrtle Point Park, which is in the Development District and abuts water and sewer. He suggested that some way should be found to utilize the property to the benefit of the community, such as active recreation areas or a school site.

Robert Jarboe, of Leonardtown, explained that he feels Myrtle Point Park presents an excellent opportunity for the County to compete with the activities going on at Solomons, which would help to broaden the tax base.

Suzanne Henderson, of California, asked the Planning Commission to consider the uniqueness of Myrtle Point Park, the educational opportunities, and the preservation of the lower Patuxent watershed management.

Tana Glockner, of California, explained that she is an avid user of Myrtle Point Park. She asked that a way be found to keep the beauty of the area, while still generating revenue for the County.

The Chair closed the public hearing.

**Mr. St. Clair made a motion that Myrtle Point Park remain in the Lexington Park Development District, since the final use of the area has not yet been determined. The motion was seconded by Mr. Reeves and passed by a 4-3 vote; with Mr. Greenwell, Ms. King, and Mr. Thompson voting against the motion.**

The Chair explained that the Planning Commission decision in December of 2004 had been to include the Indian Bridge Road school site in the Development District. Mr. Reeves expressed concern that the school site location is on the portion of the property adjacent to Indian Bridge Road. Mr. Canavan explained that the initiative was to locate the 24 acre school site on the front portion of the parcel, which fronts on Indian Bridge Road.

Mr. St. Clair asked where the water and sewer lines would enter the school site. Mr. Canavan explained that a forthcoming subdivision, within the Development District, has received approval for amendment to the Comprehensive Water and Sewer Plan. He explained that there is a logical extension of the infrastructure through that subdivision to provide water and sewer to the proposed school site.

The Chair expressed a concern with the traffic on Indian Bridge Road. He explained that he would prefer the school site to be outside of the Development District. Mr. Canavan explained that traffic on Indian Bridge Road will increase whether a school is located there or not.

The Chair opened the hearing on the Indian Bridge Road school site to public comment.

Robert Jarboe, of Leonardtown, explained that school sites do not have to be in priority funding areas. He expressed concerns that a school might not even be able to be constructed on the proposed site, because the land was purchased with federal funds to preserve and protect the watershed.

John Parlett, of Charlotte Hall, pointed out that traffic will be the same on Indian Bridge Road whether the school site is in the Development District or out of the Development District. He explained that the costs to the taxpayers would probably be less if the school site was in the Development District, where it could hook up to water and sewer.

Linda Vallandingham, who lives on Indian Bridge Road, explained that she is opposed to having the school property in the Development District. She explained that Indian Bridge Road was not developed to handle the traffic that a school would bring, especially the buses. She expressed her concern that the southern end of Indian Bridge Road, near its intersection with MD Route 5, is not good enough for two buses to pass through. Ms. Vallandingham feels that there has not been an extensive review and that the school Board should consider other options, such as building up and alternate sites. She added that she agreed with Mr. Jarboe's opinion that the watershed should be protected; and a school should not be built there.

Joseph Wood, president of the St. Mary's County Farm Bureau and a resident of Mechanicsville, explained that the Farm Bureau had voted unanimously to oppose expansion of the Lexington Park Development District. He explained that the Farm Bureau feels that if water and sewer lines are run to the proposed school site, it would be conducive to faster development in the area. Mr. Wood explained that they feel that a school site within the existing Development District would better serve the community.

Donald Strickland, who lives on Chancellors Run Road, explained that he realizes that schools are needed but that he objects to giving land, which was purchased by the state or federal government, to the schools.

The Chair asked when the Indian Bridge Road and MD Route 5 intersection was due to be upgraded. John Groeger, Deputy Director of the Department of Public Works & Transportation (DPW&T), explained that the intersection was recently upgraded by State

Highway Administration (SHA), when a traffic signal and lane improvements were installed. The Chair asked when the County's Transportation Plan would be available. Mr. Groeger explained that DPW&T has requested a meeting with the Board of County Commissioners, to get approval to release the draft Plan for review.

The Chair closed the public hearing.

**Mr. St Clair made a motion that the 24 acre Indian Bridge Road school site be included within the Development District; but recommended that if the Board of County Commissioners remove it from the Development District, the public process to amend to St. Mary's County Comprehensive Water & Sewerage Plan be started immediately to allow restricted access water and sewer facilities for schools in the RPD. The motion was seconded by Mr. Thompson and passed by a 4-3 vote; with Mr. Greenwell, Ms. King, and Mr. Reeves voting against the motion.**

The Chair offered the opportunity for members of the audience to speak briefly prior to discussion on Wildewood.

Tana Glockner, of California, requested that the Planning Commission reconsider a request to rezone properties on the easterly side of MD Route 235, between Shady Mile Drive and MD Route 4, to Community Commercial (CC). She explained that she felt that the character of the neighborhood has already changed with the recent development in the area.

Phil Dorsey, representing the owner of the William Smith Mobile Home Park on the north side of Hermanville Road, requested consideration to allow Residential High Density (RH) zoning for the property.

Bernie Beavan, of Leonardtown, asked the Planning Commission for reconsideration of the December 2004 decision to exclude his property on Indian Bridge Road from the Development District. He explained that the property has been in his family since 1928 and in his ownership since 1973. The property was in the Lexington Park Development District since the inception of the Development District. He explained that, without his knowledge, the property was removed from the Development District in 2002. Mr. Beavan requested that the property be returned to the Development District to allow it to be hooked up to water and sewer, since the property does not perc.

Marc Cohen, representing Mr. Beavan and Empire Homes, explained that Mr. Beavan's property has always been zoned Residential Low-Density (RL), and everyone moving into the area should have known its potential for development. He said that he feels the property was accidentally eliminated from the Development District, and asked that the Planning Commission put the property back into the Development District.

Linda Vallandingham, an Indian Bridge Road resident, explained that 89% of the residents on Indian Bridge Road are opposed to enlarging the Development District to include the Beavan property. She said that prior to 2002 almost all of Indian Bridge Road was in the Development District. These properties were taken out of the Development District at the same time that the Beavan property was removed from the Development District. Ms. Vallandingham said that if the Beavan property was returned to the Development District, all of the other properties on Indian Bridge Road which had been a part of the Development District should also be given back their rights.

The Chair explained that these items would be carried over until the next Planning Commission meeting.

The Chair explained that the Planning Commission had included the expansion of the Wildewood property in the Development District in their decision of December 2004. He said that

previous discussions had involved one 30 acre school site. Commission members had suggested that the Board of Education speak to Wildewood to pursue additional acreage for an additional school site. Preliminary discussions between the Board of Education and the developers of Wildewood have taken place. A letter stating Wildewood's willingness to work with the Board of Education to increase the site, to allow both an elementary school site and a middle school site, was given to the Planning Commission members.

The Chair explained that he would like to see a work session for the Board of Education, Department of Recreation & Parks, and members of the Planning Commission or LUGM staff. Mr. Canavan explained that the Planning Commission plays an essential role in taking a look at overall land use patterns coupled with public facilities planning. Planning Commission members have the responsibility to always be cognizant of adequacy of facilities; including roads, water and sewer, and schools. The inclusion of the land for the Wildewood expansion provides opportunities for improved access to the existing Planned Unit Development (PUD) and improved road systems, as well as the school sites. He explained that the Board of Education staff has not had the opportunity to look at the suitability of locating a second school on these grounds.

The Chair said that he feels there are opportunities available; but the Board of Education, the Department of Recreation & Parks, and Wildewood would all need to work together. Additional ball fields, or soccer fields, in the development areas could help the County with the need for new recreational facilities. He suggested that the Board of Education should consider building 2-story schools, especially middle schools. He suggested that a public library could also be built in conjunction with a school building.

Commission members explained that they had several questions they would like to ask the developers of Wildewood, as well as needed information from the Board of Education regarding the school capacity needs of additional homes in Wildewood. The Chair explained that Wildewood would also be carried over until the Planning Commission meeting on February 28, 2005.

Mr. Canavan noted that correspondence was received from Raymond Dudderar, requesting that the reconsideration include a discussion of the Chesapeake Bay Critical Areas, including the lands adjacent to Myrtle Point Park. Mr. Canavan suggested a discussion at the meeting on February 28, 2005, to come to closure on this issue.

## **ADJOURNMENT**

The meeting was adjourned at 10:07 p.m.

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Sharon J. Sharrer  
Recording Secretary

Approved in open session: February  
28, 2005

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Larry Greenwell  
Chairman