

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, March 28, 2005**

Members present were Joseph St. Clair, Vice Chair; Bryan Barthelme; Lawrence Chase; Julia King; Steve Reeves; and Howard Thompson. Larry Greenwell was excused. Department of Land Use and Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Phil Shire, Planner IV; Bob Bowles, Plans Reviewer I; and Sharon Sharrer, Recording Secretary. Assistant County Attorney Heidi Dudderar was also present.

The Vice Chair called the meeting to order at 6:30 p.m.

APPROVAL OF MINUTES – The minutes of March 14, 2005 were approved as recorded.

PUBLIC HEARING DECISIONS

OFFICE BUSINESS PARK (OBP) ZONING ORDINANCE TEXT AMENDMENT

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.

The Planning Commission conducted and closed a public hearing on February 14, 2005. The record was left open for ten (10) days for written comment at that time.

Mr. Canavan explained that staff has been analyzing the proposed text amendments and comments received during the open record period. He explained that LUGM has reached conclusion on a number of aspects of the proposal, and is now recommending a base density of 10 units per acre. The analysis involved balancing the economic and business concerns of bringing forward a residential development against agricultural preservation by the purchase of Transferable Development Rights (TDRS). Mr. Canavan explained

that staff is not recommending any changes to the commercial footprint requirements of the OBP.

Ms. King expressed a concern that ample information on the Revitalization Area and the relationship between the OBP and the DMX (Downtown Mixed Use Zone) has not been provided to the Planning Commission, and explained that she does not feel that she can make an informed decision on the proposed text amendment without this information. She asked that the Planning Commission have the opportunity to hear from both Ms. Finnacom and Mr. Canavan at the same meeting, to provide a clearer understanding of the possible impacts of this proposed amendment.

The Planning Commission made the decision to table the discussion until the requested information is received from staff.

**CWSP #04-132-006 – SOTTERLEY ROAD CENTER - CWSP
AMENDMENT**

The applicant is requesting amendment to service area maps III-26 and IV-26 to change the service area categories from W-6 and S-6 (water and sewer service in 6-10 years) to W-3D and S-3D (water and sewer service in 3-5 years, developer financed). The property contains 20.4 acres; is zoned Town Center Mixed Use District (TMX); and is located in Hollywood Town Center, north and east of the intersection of Sotterley Road (MD 245) and Three Notch Road (MD 235); Tax Map 26, Grid 11, Parcel 179.

Owner: Dean Partnership, LLP
Agent: William P. Higgs, for Little Silences Rest, Inc.

The Planning Commission conducted and closed a public hearing March 14, 2005. The record was left open for ten (10) days for written comment at that time.

Mr. Reeves made a motion that having accepted the staff report, dated March 9, 2005; and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan; and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the Environment Article of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan; the Planning Commission forward a recommendation to the Board of County Commissioners to amend service area maps III-26 and IV-26 to change the service area categories from W-6 and S-6 (water and sewer service in 6 to 10 years) to W-3D and S-3D (water and sewer service in 3 to 6 years, developer financed) for 20.4 acres described as Tax Map 26, Grid 11, Parcel 179; and authorized the Chairman to sign a resolution to transmit the recommendation to the Board of County

Commissioners. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

CWSP #04-120-039 – THE CROSSINGS AT RIVERSIDE FARM - CWSP AMENDMENT

The applicant is requesting amendment to service map III-58 to change the service area category from No Planned Service (NPS) to Rural Water (RW). The property contains 146.48 acres; is zoned Rural Preservation District (RPD); and is located at the southern terminus of Greens Crossing Court, near the intersection of North Greens Rest Drive and Flat Iron Road; Tax Map 58, Grid 20, Parcel 98.

Owner: Davis Family Trust
Agent: Dean Wilkinson, of R. A. Barrett Associates, Inc.

The Planning Commission conducted and closed a public hearing on March 14, 2005. The record was left open for ten (10) days for written comments at that time.

Mr. Thompson made a motion that having accepted the staff report, dated March 9, 2005; and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan; and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the Environment Article of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan; the Planning Commission forward a recommendation to the Board of County Commissioners to amend service area map III-58 to change the service area category from NPS (No Planned Service) to RW (Rural Water Service) for 146.48 acres described as Tax Map 58, Grid 20, Parcel 98; and authorized the Chairman to sign a resolution to transmit the recommendation to the Board of County Commissioners. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

MSUB #04-110-061 – LAND OF GEORGE SPRINGER

The applicant is requesting preliminary review of an additional lot on a private road in accordance with the St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, family conveyance provision. The property contains 8.41 acres, is zoned Rural Preservation District (RPD), and is located 300 feet east of the intersection of MD Route 244 and Deerfield Road; Tax Map 57, Grid 3, Parcel 347.

Owner: George Springer
Agent: Jerry Soderberg, of DH Steffens Company

The Planning Commission conducted and closed a public hearing on March 14, 2005. The record was left open for ten (10) days for written comments at that time. No written comments were received during the open record period.

Mr. Barthelme made a motion that having accepted the staff report, dated March 3, 2005, and having made findings pursuant to Section 30.11.4 of the St. Mary's County Subdivision Ordinance (*Criteria for Approval of a Family Conveyance*), the Planning Commission approve the Family Conveyance subdivision plan, as requested. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

PUBLIC HEARING

CWSP #04-120-040 – STALLMAN SUBDIVISION, Section 7 – CWSP AMENDMENT

The applicant is requesting amendment to service map IV-42 to change the service area category from S-6D (sewer service in 6 to 10 years, developer financed) to S-3D (sewer service in 3 to 6 years, developer financed). The property contains 24.36 acres, is zoned Residential Low Density (RL), and is located at the terminus of Garfield Street and Tammie Drive; Tax Map 42, Grid 24, Parcel 169.

Owner: Peter and Paul Stallmann
Agent: Pat Mudd, of Day Tech Engineering, Inc.

Notice of the hearing was published in the Enterprise on 3/9/05 and 3/16/05, the property was posted, and certified mailings were sent to adjoining property owners.

The Vice Chair opened the hearing to the public. The public hearing closed with no comments.

Ms. King made a motion that having accepted the staff report; and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan; and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the Environment Article of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan; the Planning Commission forward a recommendation to the Board of County Commissioners to amend service area map IV-42 to change the service area category from S-6D (sewer service in 6 to 10 years, developer financed) to S-3D (sewer service in 3 to 6 years, developer financed) for 24.36 acres described as Tax Map 42, Grid 24, Parcel 169; and authorized the Chairman to sign a resolution to transmit the recommendation to the

Board of County Commissioners. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

CWSP #04-120-041 – WOODLAND ACRES – CWSP AMENDMENT

The applicant is requesting amendment to service area maps III-34 and IV-34 to change the service category from W-6D and S-6D (water and sewer service in 6 to 10 years, developer financed) to W-3D and S-3D (water and sewer service in 3 to 6 years, developer financed). The property contains 10 acres; is zoned Residential Neighborhood Conservation (RNC), Airport Environs Overlay (AE); and is located at 23124 Pine Court in California, Maryland; Tax Map 34, Grid 17, Parcel 87.

Owner: Corey Allan Properties LLC
Agent: Jerry Nokleby, of Nokleby Surveying, Inc.

Notice of the hearing was published in the Enterprise on 3/9/05 and 3/16/05, the property was posted, and certified mailings were sent to adjoining property owners.

Mr. Nokleby explained that the concept plan is currently being revised to allow more open space around the intermittent stream on the property, even though additional lots are being proposed due to the cost of bringing public water and sewer to the development. Commission members had expressed concern with the proximity of development to the stream at the previous discussion for this development.

The Vice Chair opened the hearing to the public. The public hearing closed with no comments.

Mr. Reeves made a motion that having accepted the staff report; and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan; and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the Environment Article of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan; the Planning Commission forward a recommendation to the Board of County Commissioners to amend service area maps III-34 and IV-34 to change the service area categories from W-6D and S-6D (water and sewer service in 6 to 10 years, developer financed) to W-3D and S-3D (water and sewer service in 3 to 6 years, developer financed) for 10 acres described as Tax Map 34, Grid 17, Parcel 87; and authorized the Chairman to sign a resolution to transmit the recommendation to the Board of County Commissioners. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

CWSP #04-120-049 – RUSSELL SUBDIVISION - CWSP AMENDMENT

The applicant is requesting amendment to service map III-65 to change the service area category from W-6D (water service in 6 to 10 years, developer financed) to W-3D (water service in 3 to 6 years, developer financed). The property contains 3.25 acres; is zoned Town Center Mixed Use (TMX); and is located at 17345, 17355, and 17365 Piney Point Road; Tax Map 65, Grid 17, Parcels 13 & 14.

Owner: Jack Russell & Vicky Volk
Agent: Robin Guyther

Notice of the hearing was published in the Enterprise on 3/9/05 and 3/16/05, the property was posted, and certified mailings were sent to adjoining property owners.

The Vice Chair opened the hearing to the public. The public hearing closed with no comments.

Mr. Thompson made a motion that having accepted the staff report; and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan; and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the Environment Article of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan; the Planning Commission forward a recommendation to the Board of County Commissioners to amend service area map III-65 to change the service area category from W-6D (water service in 6 to 10 years, developer financed) to W-3D (water service in 3 to 6 years, developer financed) for 3.25 acres described as Tax Map 65, Grid 17, Parcels 13 & 14; and authorized the Chairman to sign a resolution to transmit the recommendation to the Board of County Commissioners. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

CWSP #05-120-003 – GRANDVIEW HAVEN SUBDIVISION, Phase 2 – CWSP AMENDMENT

The applicant is requesting amendment to service area map III-18 to change the service category from NPS (No Planned Service) to RW (Rural Water). The property contains 151.988 acres; is zoned Rural Preservation District (RPD); and is located at 29282 Point Lookout Road; Tax Map 18, Grid 11, Parcel 13.

Owner: Arrowhead, LLC
Agent: R. A. Barrett Associates, Inc.

Notice of the hearing was published in the Enterprise on 3/9/05 and 3/16/05, the property was posted, and certified mailings were sent to adjoining property owners.

Mr. Reeves expressed concern about whether there is available capacity at Margaret Brent Middle School and the congestion of area roads. Mr. Shire explained that adequate public facilities will be addressed at a later stage, and development will not be allowed to move forward unless adequate capacity is available at area schools.

Commission members expressed concern that no representative of the developer was available at the public hearing, feeling that members of the public might be reluctant to ask questions when the developer was not available to respond.

The Vice Chair opened the hearing to the public. The public hearing closed with no comments.

Since no representative for the developer was available at the meeting, the Planning Commission voted to leave the record open and to continue the public hearing at their next meeting on April 11, 2005 to allow the developer, or a representative for the developer, the opportunity to answer any questions that might come up during the public hearing.

DEVELOPMENT REVIEW

CCSP #03-132-006 – PEGG RUN TOWNHOMES

The applicant is requesting concept site plan approval for 37 townhome lots. The property contains 5.103 acres; is zoned Residential High Density (RH); and is located at 46400-46453 Munley Lane in Lexington Park, Maryland; Tax Map 43, Grid 21, Parcel 72.

Owner: Jim Munley
Agent: Jerry Nokleby, of Nokleby Surveying

Mr. Shire explained that this project was caught between the prior Zoning Ordinance (90-11) and the current Zoning Ordinance (Z02-01), and received concept approval from the Planning Commission under the prior Ordinance in April of 2002. Due to delays in obtaining building permits, the site plan approval expired. Because of changes in the required stream buffer between the two Ordinances, a variance was necessary to continue with the project under the current Zoning Ordinance. The applicant went to the Board of Appeals in November of 2004, and was successful in obtaining the necessary variance at that time.

Ms. King made a motion that having accepted the staff report, dated March 17, 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 as a prerequisite for final site plan 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.

PSUB #03-120-042 – PEGG RUN TOWNHOMES

The applicant is requesting preliminary subdivision approval for 37 townhouse lots. The property contains 5.103 acres; is zoned Residential High Density (RH); and is located at 46400-46453 Munley Lane in Lexington Park, Maryland; Tax Map 43, Grid 21, Parcel 72.

Owner: Jim Munley
Agent: Jerry Nokleby, of Nokleby Surveying

Mr. Thompson made a motion that having accepted the staff report, dated March 17, 2005, and having made findings pursuant to Section 30.5.5 of the St. Mary's County Subdivision Ordinance (Criteria for Approval of a Preliminary Plan), including adequate facilities as described in the Director's Report in the file, the Planning Commission grant preliminary subdivision plan approval, as requested. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

CCSP #05-120-004 – RANIERI RUN SUBDIVISION

The applicant is requesting review of a concept site plan for a 112-lot subdivision, in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 58.22 acres; is zoned Residential Low Density (RL); and is located on the west side of Willows Road, 0.6 miles north of its intersection with MD Route 5; Tax Map 51, Grid 22, Parcels 272 & 282.

Owner: Sturbridge Homes
Agent: Larry Day, of Day Tech Engineering, Inc.

Ms. King asked if this development would impact Hilton Run, and expressed concern with water runoff issues at some developments in the area and a desire to make certain that this development does not contribute to the problem. Mr. Shire explained that this development would back up to Hilton Run, but that the zoning district does require 50% open space. Mr. Day explained that a more extensive buffer is being planned for this development than is required.

Mr. Thompson made a motion that having accepted the staff report, dated March 18, 2005; and having made a finding that the referenced

project meets concept plan requirements to proceed with a Comprehensive Water and Sewer amendment to change the water and sewer categories from S-6D and W-6D to S-3D and W-3D; and noting that the subdivision plan must return to the Planning Commission for preliminary approval; the Planning Commission grant concept plan approval, as requested. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

CCSP #05-132-002 – HOWLIN CONCRETE

The applicant is requesting review of a concept site plan for a concrete batch plant. The property contains 3.145 acres; is zoned Industrial (I), Airport Environs Overlay (AE); and is located at 43850 Airport View Drive in Hollywood, Maryland; Tax Map 34, Grid 1, Parcel 548.

Owner: Charles Pessango
Agent: John B. Norris, Jr., of NG&O Engineering, Inc.

Mr. Norris explained that the applicant is not planning to shut down their existing plant at this time. They are moving their primary operation to provide more easy access and maneuverability for trucks using the facility.

Mr. Barthelme made a motion that having accepted the staff report, dated March 18, 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. Chase and passed by a 6-0 vote.

DISCUSSION

TEXT AMENDMENT – MANDATORY CONNECTION TO COMMUNITY WATER/SEWER

Amendment to the Comprehensive Zoning Ordinance; Sections 70.8, sewerage; and 70.9, water.

Mr. Canavan explained that currently any property for development, subject to either a subdivision or site plan, located within the Lexington Park Development District is required to hook up to public sewer, regardless of the size of the development. The same property, if it is within 1,750 linear feet of the infrastructure for public water, is also required to hook up to the public system. He explained that a common sense approach is needed to allow these small developments to proceed, on a case by case basis; with the caveat that when water and sewer becomes located at a reasonable distance, hook up must be made to the public infrastructure. A final draft form of the text amendment will be brought back to the Planning Commission for consideration at a future meeting.

RECOMMENDATION ON CAPITAL IMPROVEMENT PROGRAM

Following discussion concerning project modifications from a work session conducted on March 25, 2005, the Planning Commission voted to recommend the Capital Improvement Program to the Board of County Commissioners as presented to them, including the modifications presented during the meeting on March 28, 2005.

ADJOURNMENT

The meeting was adjourned at 9:39 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session: April
11, 2005

Joseph St. Clair
Vice Chair