

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, April 23, 2007**

Members present were Steven Reeves, Chair; Howard Thompson; Merl Evans; Shelby Guazzo; Brandon Hayden; and Susan McNeill. Department of Land Use and Growth Management (LUGM) staff present were Denis Canavan, Director; Sabrina Hecht, Planner IV; Jeff Jackman, Senior Planner; Bob Bowles, Planner II; Amanda Sivak, Recording Secretary. Deputy County Attorney, Colin Keohan; Christy Chesser, County Attorney; Donna Sasscer, Department of Economic and Community Development; and Steve King, Director of METCOM were also present.

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

APPROVAL OF THE MINUTES – The minutes of April 9, 2007 were tabled until the next meeting for corrections.

Mr. Reeves explained there needs to be a re-motion taken on the Building Height Limits because several zones were not on the resolution. Mr. Thompson questioned if it's just because some zones were left off the motion. Ms. Guazzo asked about the Office Business Park because there are zonings that allow 100 foot limits that were not considered. Mr. Jackman explained the zones left out were CMX and DMX. Ms. Guazzo requested the VMX, TMX, and Office Business Park should be added. Mr. Jackman explained OBP was not included in the list. In the advertisements and in the resolution that was signed by the PC listed RPD, RSC, RCL, RL, RNC, RMX, VMX, TMX. The summary motion did not list the VMX and the TMX zone. Ms. Guazzo asked what the height limits were in the OBP. Mr. Canavan explained it was 100 ft. Ms. McNeill questioned if notice was adequately made or just the motion was wrong. Mr. Jackman explained the document was advertised correct, just the motion was wrong.

Mr. Thompson moved that the proposed text amendment to the Comprehensive Zoning Ordinance to modify Building Heights and to correct a spelling error and having conducted a public hearing on March 12, 2007 the finding that the adoption of the proposed amendment will promote the general health, safety, and welfare to the citizens of St. Mary's County, the Planning Commission recommends to the Board of County Commissioners to amend Chapter 32, Schedule 32.1 of the Comprehensive Zoning Ordinance Z-0201 as set forth in the staff report and summarized as follows:

- A. Delete footnote number 7 following the words maximum height.**
- B. Insert new footnote 7 next to the 40 foot height limit next to the RPD, RSC, RCL, RL, RNC, RMX, VMX, and TMX.**
- C. To amend the language of footnote 7 to read as follows:
"Existing buildings constructed as of the (effective date of this amendment) are not considered a non-conforming building height"**
- D. To insert a new foot note 12 following the words maximum height.**
- E. To insert new footnote number 12 to read as follows:
Height of all structures subject to site-by-site analysis for compliance with Chapter 43, AICUZ and AE height restrictions. Structures with a building height greater than 45 feet shall install an approved sprinkler system. Height of communication towers is exempt from height restrictions of Schedule 32.1 and regulated by the provisions contained in Chapter 51 of this ordinance."**
- F. To correct the spelling in footnote 10.**

Mr. Thompson further moved that the Chair sign the resolution to convey the recommendation to the Board of County Commissioners. The motion was seconded by Mr. Chase and passed by a 7-0 vote.

DEVELOPMENT REVIEW

Ms. Sasscer explained there are eight Maryland Agricultural Land Preservation Funds for review. She explained in the most recent legislative session a bill was passed to eliminate establishing Agricultural Preservation Districts in the state. There will no longer be a five year commitment for landowners, but they will still need to come forward to request to sell an easement to the local government. The bill has not been signed by the governor, DECD is moving forward and getting these landowners under a district.

1. ALPD # 07-15000001, WHITE MALPF DISTRICT

The Applicant is requesting Recommendation to Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) Establishment. The property contains 79 acres; is zoned Rural Preservation District (RPD); and is located at Tax Map 46, Grid 05, Parcel 229, and is located at 21400 Colton Point Road, Avenue, Maryland.

Owner: Timothy & Jacqueline White
Agent: Donna Sasscer

The property meets the state criteria for a district. The Soils are 95% class 1, 2, and 3, not in the 10 year water and sewer plan, and a minimum of 50 acres.

2. ALPD # 07-15000002, WOLFE MALPF DISTRICT

The Applicant is requesting Recommendation to Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) Establishment. The property contains 120.44 acres; is zoned Rural Preservation District (RPD); and is located at Tax Map 22, Grid 23, Parcel 20, and is located at 36206 Old Chaptico Wharf Road, Chaptico, Maryland.

Owner: Luther Wolfe
Agent: Donna Sasscer

The property meets state criteria. The soils are 100% class 2 and 3 soils. The total property in the area would be 255.836 acres. It is contiguous to two other easements in the area.

3. ALPD # 07-15000003, WOLFE MALPF DISTRICT

The Applicant is requesting Recommendation to Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) Establishment. The property contains 52.4 acres; is zoned Rural Preservation District (RPD); and is located at Tax Map 29, Grid 18, Parcel 40, and is located at 36175 Notley Hall Road, Maddox, Maryland.

Owner: Luther Wolfe
Agent: Donna Sasscer

The property meets state criteria. The Soils are 99% class 2 and 3. It is adjacent to another qualifying property. There would be a total of 107.84 acres of property in the area.

4. ALPD # 07-15000004, RALEY MALPF DISTRICT

The Applicant is requesting Recommendation to Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) Establishment. The property contains 24 acres; is zoned Rural Preservation District (RPD); and is located at Tax Map 38, Grid 16, Parcel 268, and is located at Church Swamp, Colton Point Road, Avenue, Maryland.

Owner: Aloysius & Joan Raley
Agent: Donna Sasscer

The property meets state criteria. The soils are 100% class 3. Its less than 50 acres but there are already 165.6 acres with three other districts.

5. ALPD # 07-15000004, GOODE MALPF DISTRICT

The Applicant is requesting Recommendation to Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) Establishment The property contains 55.44 acres; is zoned Rural Preservation District (RPD); and is located at Tax Map 29, Grid 23, Parcel 42, and is located at 23120 Pond Pont Farm Lane, Maddox, Maryland.

Owner: Malcolm E. Goode, Jr.
Agent: Donna Sasscer

The property meets state criteria. The soils are 92% qualifying soils. It is contiguous with the Luther Wolf property.

6. ALPD # 07-15000006, RUSSELL MALPF DISTRICT

The Applicant is requesting Recommendation to Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) Establishment The property contains 76.5 acres; is zoned Rural Preservation District (RPD); and is located at Tax Map 24, Grid 4, Parcel 31, and is located at 25155 Colton Point Rd, 25151 Colton Point Rd Morganza, Maryland.

Owner: Terry Lee Russell
Agent: Donna Sasscer

The property meets state criteria. The soils are 53.6% qualifying. It is contiguous to other properties in the area.

7. ALPD # 07-15000007, O'NEILL MALPF DISTRICT

The Applicant is requesting Recommendation to Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) Establishment The property contains 54.35 acres; is zoned Rural Preservation District (RPD); and is located at Tax Map 30, Grid 23, Parcel 8, and is located at 23150 Bushwood Rd, Bushwood, Maryland.

Owner: Gary and Lisa O'Neil
Agent: Donna Sasscer

The property meets state requirements. It is contiguous to two other easements properties that consist of 352.5 acres.

8. ALPD # 07-15000008, BERUBE MALPF DISTRICT

The Applicant is requesting Recommendation to Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) Establishment The property contains 60.8 acres; is zoned Rural Preservation District (RPD); and is located at Tax Map 4, Grid 24, Parcel 160.

Owner: Leon W. Berube
Agent: Donna Sasscer

The property meets state requirements. The soils are class 1, 2, and 3.

Ms. Scriber moved that:

FOR THE PURPOSE OF RECOMMENDING TO THE ST. MARY'S COUNTY BOARD OF COUNTY COMMISSIONERS THAT CERTAIN PROPERTIES BE DESIGNATED AS MARYLAND AGRICULTURE LAND PRESERVATION DISTRICTS.

WHEREAS, the owners of the following properties have petitioned for establishment of Maryland Agricultural Land Preservation Foundation Districts (hereinafter "MALPF Districts") on their properties:

- (1) 21400 Colton Point Road, Avenue, Maryland, 20609as depicted on St. Mary's County Tax Map 46, Grid 5, Parcel 229;
- (2) 36206 Old Chaptico Wharf Road, Chaptico, Maryland 20621, as depicted on St. Mary's County Tax Map 22, Grid 23, Parcel 20;
- (3) 36175 Notley Hall Road, Maddox, Maryland 20621, as depicted on St. Mary's County Tax Map 29, Grid 18, Parcel 19;
- (4) Colton Point Road, Avenue, Maryland, 20609, as depicted on St. Mary's County Tax Map 38, Grid 16, Parcel 268;
- (5) Notley Hall Road, Maddox, Maryland, 20621, as depicted on St. Mary's County Tax Map 29, Grid 23, Parcel 42;
- (6) 25151 Colton Point Road, Morganza, Maryland, 20660as depicted on St. Mary's County Tax Map 24, Grid 4, Parcel 31 & 197;
- (7) 23150 Bushwood Road, Bushwood, Maryland, 20618 as depicted on St. Mary's County Tax Map 30, Grid 23, Parcel 8;
- (8) Point Lookout Road, Mechanicsville, Maryland, 20659 as depicted on St. Mary's County Tax Map 4, Grid 24, Parcel 160; and

WHEREAS, the St. Mary's County Agriculture Land Preservation Advisory Board (hereinafter "Advisory Board") conducted open meetings on March 22, 2007 and April 17, 2007 and reviewed the petitions for establishment of MALPF Districts on the aforementioned properties; and

WHEREAS, within 60 days of the receipt of the petitions, after reviewing the petitions, staff reports and supporting materials, the Advisory Board found that the Properties meet the criteria for MALPF Districts set forth in §2-509 of the Agriculture Article of the Maryland Annotated Code and COMAR 15.15.01.01-22; and

WHEREAS, the St. Mary's County Planning Commission (hereinafter "Planning Commission") conducted an open meeting on April 23, 2007 and reviewed the petitions for establishment of MALPF Districts on the aforementioned properties; and

WHEREAS, within 60 days of the receipt of the petitions, after reviewing the petitions, staff reports and supporting materials, the Planning Commission concurred with the Advisory Board's finding that the Properties meet the criteria for MALPF Districts set forth in §2-509 of the Agriculture Article of the Maryland Annotated Code and COMAR 15.15.01.01-22 and, more specifically, that establishment of the MALPF Districts is compatible with existing and approved county plans, programs, and overall county policy.

NOW THEREFORE BE IT RESOLVED that the St. Mary's County Planning Commission hereby adopts the staff reports attached hereto and marked collectively as "Exhibit A" and recommends to the Board of County Commissioners for St. Mary's County that the Properties be recommended to the Maryland Agricultural Land Preservation Foundation for establishment of Maryland Agriculture Land Preservation Foundation Districts;

AND BE IT FURTHER RESOLVED that the foregoing recitals are adopted as if fully set forth herein.

The motion was seconded by Mr. Thompson and passes by 7-0 vote.

The Chair called a recess at 7:00

The meeting was called back to order at 7:10

PUBLIC HEARING

PUD #06-14500003, Glazed Pine, PUD

The Applicant is requesting Per Section 44.0 of the Comprehensive Zoning Ordinance, review and recommendation, for a Planned Unit Development, Mixed Use, (PUD-X). The property contains 210.3 acres; is zoned Office Business Park District, Residential Low-Density District, Air Installations Compatible Use Zone, Accident Potential Zone 2 (OBP, RL, AICUZ- APZ-2); and is located at Tax Map 51 & 52 Grid 7 & 12, Parcel 105, 319, 417, and is located at 20995 Hermanville Road, Lexington Park, MD 20653.

Legal advertisements for tonight's public hearing was published in the *St. Mary's Today* on 04/08/2007 and 04/15/2007 and in *The Enterprise* on 04/06/07 and 04/11/2007.

Owner: Liberty Home Builders, (Guy Curley)

Agent: N G & O Engineering Inc.

Present: Guy Curley, Liberty Home Builders; John Norris III, Attorney for Applicant; John Norris Jr., Site Engineer; Larry Able, Able and Associates, Product Mix and Street Scapes; Mark Garner, Project Manager, Lead Architect; Clint Marrow, Wyle Labs.

Mr. Bowles explained the Applicant is requesting a review and recommendation of a rezoning of the land for a Planned Unit Development Mixed Use floating Zone. The property is located in the Lexington Park Development District. It is zoned OBP with 157.2 acres total with 42.8 out of the AICUZ and 109.9 in the APZ-2. 1.7 acres is in the CMX. 10.3 acres of the RL is in the APZ-2 and 45.6 are out of the APZ-2. The proposal includes 1.2 million square feet of the office space and 1100 residential units.

Mr. Norris, III explained since the application was made there have been changes made to exhibit A. These changes were mostly landscaping in the parking areas and the Joint Land Use study that reviewed Oceania. Mr. Norris, III pointed out that the things suggested in the Oceania study are incorporated into Glazed Pine. These are things not required by today's Comprehensive Plan and Zoning Ordinance. They have discussed having disclosures for the property. These would be residential, residential leases, commercial and commercial leases. The property is both OBP and RL. It is bisected by a noise zone and has frontage along Rt. 235 and Hermanville Rd. It has a mix of single-family and multi-family dwellings along with mixed commercial space. Mr. Norris, III explained there are no residential uses in the AICUZ area. Mr. Norris, III explained staff is suggesting a denial of the application because no residential use is allowed in the OBP zoning. There was an amendment to Chapter 44 allowing a residential Planned Unit Development in the OBP. Mr. Norris, III explained the PUB-X zoning for this project is supposed to treat as a conglomeration of all the uses in the PUD.

Mr. Norris, III explained staff referenced paragraph 3 page 42 of the Comprehensive Plan that states Lexington Park should take advantage of the development restriction associated with AICUZ. The development area has abundant open space. Glazed Pine will have 82% open space. Ms. Guazzo explained to Mr. Norris, III that section 44.4.2 of the Zoning Ordinance states an application for a PUD approval or denial by the BOCC is one of the few times that which the BOCC may use subjective reasoning in their decisions. Mr. Norris, III agreed there is a level of subjectivity for this variance to be approved or denied. Mr. Norris, III explained there are good reasons to approve this development. It could stop sprawl and its revitalization of the focus enterprise zone. The project

has exceeded all local laws as well as the Department of the Navy's standards for construction within a 65 decibel noise zone. Ms. McNeill explained the Commission has a letter from the Dept. of the Navy signed by Captain Glen Ives saying that the development is a clear example of encroachment and the type of development that should be avoided in the proximity to Pax River and Webster Field, and given that Pax River was the largest employer in the county and its economic engine, how the development could be considered compatible with the surrounding neighborhood and development and how he would respond to that. Mr. Norris stated that he would want to speak with Captain Ives about the issue.

Mr. Curley explained they are wishing to develop a Live, Work, Play area that will be embracing green building concepts, grey water recycling, and noise attenuation. The project is located in the Lexington Park Development District and Focus Enterprise Zone. It is adjacent to transportation corridors MD Rt. 235 and Hermanville Road and it is consistent to the County's Comprehensive Plan.

Mr. Norris, Jr. explained his first map shows the parcel lines that make up the entire property. Surrounding the property are a number of subdivisions Greenbrier and a Millison Development. The next map shows the physical features of the property. One benefit is that the property drains well as denoted by the wet lands that surround it. There are two grey water impoundment areas. There are natural buffers as well as expanded ones. There is ample capacity at the property's site, but there may be a future date for some adjustment. The development has major collector, private streets and minor collector roads as well as two roundabouts in its plan. There will be sidewalks through out the projects. DPWT asked that curb and gutter sections be expanded. The water and sewer will all be public and will come out of Greenbrier.

Mr. Curley asked for Mr. King to come and explain the type of partnership the development is looking to do with the county on the water issue. Mr. King explained he is going to explain the activities that METCOM is involved in, changing how waste water is used in the County. The Chesapeake Bay Restoration Act that was passed in 2005 is bringing up these issues all over the state. He explained he is not here to advocate a project, but he is pleased to hear that Mr. Curley is interested in using the effluent from the Marley Taylor plant to substitute for the potable water in the development. The CBRA requires point sources to upgrade from Biological Nutrient Removal (BNR) to Enhanced Nutrient Removal (ENR). The Marley Taylor is one of the most advanced treatment plants in the nation and able to reduce the total nitrogen load concentration to between 4 and 5 milligrams per liter. The facility was designed for 8 milligrams a liter. By 2011 the amount of nitrogen coming from Marley Taylor should be 3mg/L. Mr. King stated there will be limitations on how many pounds per year they can send out into the bay. With that limitation they are considering other ways to remove the nitrogen and phosphorous. Mr. King explained the LPDD needs to find some way to deal with this issue and he believes using grey water would work. Mr. Reeves questioned if the water that would go back to Glazed Pine have to meet the CBRA standards for zero percent nitrogen. Mr. King explained it would not have to meet that percentage. The safe drinking water act required 10 mg/L. Mr. King explained the grey water used on grass, crops and forests give them a 100% credit. Ms. Guazzo asked if there is a two inch rain that lands on about 100 acres of pavement what happens to the rain. Mr. King explained they do not take care of stormwater, but in the future when the county reaches 100,000 people, they will be given a MPDS permit by the federal government to control and treat stormwater.

Mr. Reeves asked if Mr. King has reviewed the development to estimate how much water this project will use. Mr. King is not sure but it will be a fairly large number. Mr. Thompson asked if the ponds that were to be placed on the site use grey water to fill them. Mr. Norris, Jr. explained the ponds will hold about 1.7 million gallons of grey water. Mr. King explained having them filled with grey water is under evaluation right now. Mr. Thompson asked how the water level will stay constant. Mr. Curley explained they would be lining the ponds so that none of the water could soak into the ground. Mr. King explained considers the ponds mainly fire suppression in the area.

Mr. Abell explained the property, along with the grey water, is implanting many different concepts such as LEED certification, geothermal, and design concepts that are forward thinking. The project will feature community centers, a country club, and public spaces. There will be a refuse and recycling collection area. The lighting, signage, and public seating will all be tied in together design wise. The project features pedestrian paths. There is a bridge that will be a single culvert that crosses over one of the ponds. The bridge will be for both pedestrian and automobile traffic. All of the commercial center buildings will be less than 75' in height.

Mr. Marrow explained they were hired by the Applicant to do an acoustical analysis of the proposed buildings during aircraft fly-overs. The air contour model used was created by the base for sound levels over a period of a year. The highest Day/Night sound level is 85 DNL around the edge of the runways. The residential uses of the site are outside the noise contours. Some of the commercial buildings are in the 60 DNL contours. The indoor DNL that is set by Navy for housing is 45 decibels or lower. The company went up to a noise level reduction of 25 decibels that is greater than what is required at 20 decibels. To ensure the building meets the noise level reduction requirements, Wyle Labs reviewed construction drawings of some of the buildings that are proposed and reviewed the Sound Transmission Class ratings. Based on the STC ratings that were given for various materials used, they made recommendations to the Applicant to close off open areas in their homes. The noise level reductions reached anywhere from 26-32 decibels depending on how the buildings were constructed.

Mr. Thompson questioned if the sound levels were averages and if Mr. Marrow could explain what the peak and minimum decibel sounds. Mr. Marrow explained that he can give a peak or minimum number because the decibel model is limited in the information that it gives out. Mr. Thompson wanted to know the differences in jet types and if testing makes more of a difference in the sound levels. Mr. Marrow explained the DNL sound metric tries to account for the fluctuations on the different days of the week. Ms. Guazzo asked if DNL takes into account the weather conditions. Mr. Marrow explained models take into account weather conditions. Mr. Reeves asked if there were any measurements taken at the site when the jets are flying over. Mr. Curley explained they have not done that with the meters but he has been on site when they have flown over. Ms. Guazzo explained there are other implications to this, Noise hits buildings and has impacts on it.

Mr. Garner explained that LEED stands for Leadership in Energy and Environmental Design. All of the wetlands have been located on the property. They have considered housing diversity in the development. They are considering a different way to prevent the "heat Island" effect. This may include light colored paving materials, landscaping, and pervious pavers. They are looking at minimal lighting on the property. This would mean having only enough for safety, downcast lighting, and the use of light refractors. Green roofs would be implemented. These help in the stormwater management and could be used in the grey water aspects of the property. They are reusing materials on the site. The trees that have been timbered on the site are to be used in construction, stumps have been turned into mulch to help prevent run off, looking into renewable materials (cork, bamboo), salvaged materials, recycling of construction materials or reuse on other sites. The project is using LEED, NAHE, and Green Globe guidelines. Mr. Curley explained he has two devices that would be a part of the green building. One is a small treatment and holding tank for grey water that can be used to flush toilets. The other is an on-demand hot water heater. Both would save the homeowner money over the course of a year.

Ms. Guazzo explained she is wondering how large the residential buildings would be. For some of the buildings, the residential areas are only the size of a large living room or something smaller. These numbers have an impact on the applicant's FAR building numbers. Mr. Curley explained on some of the numbers there are obvious typos. Ms. Guazzo explained if Mr. Curley needs to go back and get together with staff, he should do so. Ms. Guazzo explained the development has 137 acres of impervious surface. Parking alone will cover 40 acres of land.

The Chair opened the hearing to Public Testimony.

Ms. Thelma Robinson asked if there are any disadvantages to the residential community that are not in the community. Mr. Norris explained they have tried to build in nice buffers to keep the community from impacting others. Ms. Robinson asked about the piles of dirt that are on the property, is it going to cause run off that will effect other properties. Mr. Curley explained when they timbered the site, they followed the Soil Conservation District permits that were issued. After they had timbered, they followed up with a super silt fence. Ms. Robinson stated what she sees from Rt. 235 is not just a temporary site. Mr. Norris, Jr. explained that they are in the beginning stages of the development. Ms. Robinson asked if the property taxes going to go up so high that she can't afford to keep the property. Mr. Norris, Jr. explained any time there is a development property values will go up and it does affect your taxes. Ms. McNeill asked if there have been any community forums on this project. Mr. Curley explained once they got further into the concept approval process they were going to have them. Mr. Norris, Jr. explained there have been some conversations with the local property owners. Ms. Robinson asked what will happen to the existing homes. Mr. Curley explained they have an insulated boundary that surrounds the property. Mr. Norris, Jr. explained there is a natural wetlands boundary around the property. Ms. Robinson asked if the residents will be able to bring up any concerns later or will they get a too late answer. Mr. Norris, Jr. explained they have started conversations with the neighbors and hope to continue it. Mr. Curley explained they have a video online that has information and the website will have information added to it.

Ms. Marva Dyson asked how much land this site was going to cover, will it go to Rt. 5 and Willow Run Road. Mr. Norris explained it touches Rt. 235 and Hermanville Rd and goes back to Greenbrier. Ms. Dyson asked how many entrances will be there. Mr. Norris, Jr. explained there will only be two entrances and exits.

Mr. Todd Morgan explained he is the president of the Southern Maryland Naval Alliance. He is objecting to the project on behalf of the alliance. His organization works cooperatively with the Federal, State and County governments to try and find way to enhance, expand and grow the Naval Air Station. In the 1970's the county established an AICUZ and that was suitable for the 20th century. But the AICUZ is not adequate for the 21st century. Mr. Morgan pointed out that letter that Capt. Ives wrote explained the development would severely impact the growth of the Base. The alliance believes that they are prepared for the 21st century in regards to the AICUZ. The alliance has recently completed a study for the BOCC. They interviewed Mr. Phil Grody who is the assistant secretary for defense installations. He said the Department of the Defense watches what the local governments are doing in terms of trends of where the areas are going. Mr. Morgan explained that Glazed Pine falls into the trends of encroachment towards the base.

Mr. Tim Smith explained he was stationed at NAS Oceania in the 1968 and then was a commander here at PAX RIVER. In the 1970's the city and the developers had built up to the gates of the base. Pilots used to crash aircraft if they needed to eject out side the gate. The base flies at 500 feet to realistically test the air planes for carrier conditions. Oceania planes fly at Pax River because the environmental impact study done in the 1990's stating this was good area to do the flying here. The base in 1995 signed a letter endorsing the Master Plan. The base worked with the County and Downtown Lexington Park to clean up the front entrance of the base and give them the five lanes of traffic they wanted. Now the base is hoping the County will support the base.

Mr. Canavan explained that Mr. Bowles prepared the report and LUGM stands behind the report. LUGM finds based on the applicable standards the application is not in compliance to the Zoning Ordinance. Section 32.2 doesn't allow residential use is not allowed in the OBP zone. There are 10 sections in the staff report where the application does not meet zoning requirements.

Mr. Norris, III explained residential uses are allowed in the OBP if there is a PUD. He wishes to point out that the Applicant has used the DoD recommendations to create the development's plans. Mr. Norris, III explained under Section 21.1.1 of the Zoning Ordinance that the Planning Director has three days to submit in writing if the application is deficient or not and he hasn't received that letter. Mr. Curley explained they had used every known document they could find to

apply to this development. He found several DoD documents that deal with military and civilian co-existence.

The Hearing was left open for ten days for Public Comment.

ANOUNCEMENTS

There are two public meetings on the TDR program. First Meeting is at Spring Ridge Middle School on April 25, 2007 6:30 p.m. and the second is at Chopticon High School on April 26, 2007 at 6:30 p.m.

ADJOURNMENT

The meeting was adjourned at 10:35 p.m.

Amanda Sivak
Recording Secretary

Approved in open session:

Stephen T. Reeves
Chairman