

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * POTOMAC BUILDING * LEONARDTOWN, MARYLAND
Monday, May 27, 2008**

Members present were Stephen T. Reeves, Chairman; Howard Thompson, Merl Evans, Lawrence Chase, Brandon Hayden, Susan McNeill, and Shelby Guazzo. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Bob Bowles Planner IV; Jeff Jackman, Senior Planner; Yvonne Chaillet, Zoning Administrator; and Amber Guy, Office Manager. Christy Chesser, County Attorney was also present.

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

APPROVAL OF THE MINUTES – The minutes of May 12, 2008 were tabled to the next meeting.

DECISION

Text Amendment – Accessory Dwelling Unit – Ms. Chaillet gave an overview of the text amendment stating the Commission held a public hearing on 2/11/08 where the hearing was continued to 3/10/08. Ms. Chaillet stated the 3/10/08 hearing was continued to 4/28/08 where it was decided to hold a work session on 5/5/08 to resolve outstanding issues and the public hearing was closed while the record remained open for 10 days.

Ms. Chaillet stated the Commission and staff held a work session on 5/5/08 to resolve outstanding concerns and come to agreement on the proposed amendments where Mr. Prines and Mr. James were also present. Ms. Chaillet stated it was agreed that the following criteria would be included in the proposed amendments to Section 51.3.105 of the Ordinance pertaining to an accessory dwelling unit.

1. An accessory apartment will be defined as a “second dwelling unit.” Staff recommends using the term “secondary” which implies “lesser than” the principal dwelling.
2. Owner-occupancy will be required and staff will define this condition as stated in Calvert County’s Zoning Ordinance. Additionally, ownership must be established prior to issuing a Certificate of Use and Occupancy.

An owner of the lot shall occupy at least one of the dwelling units on the premises, except for bona fide temporary absences as determined by the Planning Director. Additionally, the owner shall sign an affidavit, prior to the issuing of the Certificate of Use and Occupancy, acknowledging the conditions stated herein and agreeing to comply with said conditions.

3. If the accessory apartment is located in the basement of the dwelling, then it can consist of the entire basement. The accessory apartment shall comply with all applicable codes.
4. The maximum gross floor area of an accessory apartment shall not exceed 40 percent ... (a change from the 30 percent which is in the current language)

Ms. McNeill made a motion to approve the resolution as drafted capturing the thoughts of the Planning Commission over a series of public hearings and work sessions and also allow the Chairman to approve and sign the resolution and Mr. Evans seconded. The motion passed 7-0.

DEVELOPMENT REVIEW

Concept Site Plan #07-132-012 – A&W Root Beer/Long John Silver – Mr. Bowles gave a brief overview of the 2,983 square foot restaurant stating the final findings for adequate public facilities

will be made administratively by the Planning Director, as a prerequisite to final site plan approval. Mr. Bowles stated staff is recommending approval of the concept site plan.

Mr. Thompson asked if there is an interparcel connector between here and Wendy's. Mr. Bowles stated there is one in the northwest quadrant. Ms. Guazzo stated the site plan states there is a reduction in impervious surface from .06 to .04 and asked if this is for the stormwater management. Mr. Bowles stated the applicant would still have to meet the requirements for stormwater management.

Mr. Chase made a motion in the matter of CCSP #07-132-012, A&W Root Beer/Long John Silver, having accepted the staff report and having made a finding that the objectives of Section 60.5.3 of the zoning ordinance have been met, and noting that the referenced project has met all requirements for concept approval, I move that the concept site plan be approved and Mr. Thompson seconded. The motion passed by a 7-0 vote.

Concept Site Plan #07-132-021 – Charlotte Hall Properties – Mr. Bowles gave a brief overview of the 73,350 square foot commercial/retail space stating each pad site would be approved separately as concept and final site plan and the final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval. Mr. Bowles stated staff is recommending approval of the concept site plan.

Mr. Reeves asked if each pad site would be approved separately. Mr. Bowles stated yes, each client would come to the Commission for concept site plan approval.

Ms. Guazzo asked when the grading permit would be obtained. Mr. Bowles stated once all the department approvals are received a grading permit could be issued. Ms. Guazzo asked if the entire lot would be graded. Mr. Bowles stated it is not the intent of the applicant to grade the entire lot. Mr. Ed Keohan stated the first phase is for the Credit Union and to do the stormwater management for the site. Mr. Keohan stated they would only be grading the Credit Union site.

Ms. Guazzo asked why there is a "No Entry" sign located in the front of the property. Mr. Keohan stated this is for the counter clockwise drive through. Ms. Guazzo stated the original plan had buildings close to the residential neighborhood and stated she did not like this as it disturbs the residential neighborhood. Mr. Keohan stated there would be a 50 foot tree buffer and a 6 foot fence between the buildings and the residential neighborhood. Mr. Keohan stated there is a large amount of green space around the site to meet the ordinance criteria.

Mr. Evans made a motion in the matter of CCSP #07-132-021, Charlotte Hall Properties, having accepted the staff report and having made a finding that the objectives of Section 60.5.3 if the zoning ordinance have been met, and noting that the referenced project has met all requirements for concept approval, I move that the concept site plan be approved and Mr. Thompson seconded. The motion passed by a 7-0 vote.

Concept Site Plan #06-132-003 – St. Mary's Industrial Park, Lot 14 – Mr. Bowles gave a brief overview of the 12,820 square foot warehouse, office, and limited retail space stating the final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval. Mr. Bowles stated staff is recommending approval of the concept site plan.

Mr. Thompson asked if the proposed use would adversely affect Route 235. Mr. Bowles stated this is mainly a storage use. Mr. Thompson stated this is an intersection of concern and the State needs to fix this intersection. Mr. Groeger stated this intersection is under review and the State plans to place a traffic light at the intersection to the north and a right turn in and right turn out at the intersection to the south. Mr. Groeger stated DPW&T has a meeting scheduled with the State to discuss the plans within the next two weeks. Ms. Guazzo asked if the Commission members

could be notified of this meeting. Mr. Groeger stated he would notify the Commission members of the meeting as soon as it was confirmed.

Mr. Thompson made a motion in the matter of CCSP #06-132-003, St. Mary's Industrial Park, Lot-14, having accepted the staff report and having made a finding that the objectives of Section 60.5.3 of the zoning ordinance have been met, and noting that the referenced project has met all requirements for concept approval, I move that the concept site plan be approved and Mr. Hayden seconded. The motion passed by a 7-0 vote.

DISCUSSION

#06-131-012 – Friendly Tavern Site Re-Development – Mr. Bowles stated this project started as a minor site plan to replace each existing building. Mr. Bowles stated this evolved into a single building to replace the tavern, office and apartments, with no change to the intensity of the original only the sequence of replacement. Mr. Bowles stated staff decided to process this plan under the same file application and as a one for one replacement there is no finding of adequacy, which further supports the decision to keep it as a minor site plan.

Mr. Bowles stated it will be built to floodplain requirements, stormwater will be addressed, re-development is supported by the Comprehensive Plan, and the site now contains 34,360 square feet of impervious surface and will be reduced to 22,000 square feet. Mr. Bowles stated staff is bringing this to you for your awareness and as an example of what we would prefer.

Ms. Guazzo stated the flood note on the site plan seems to be incorrect. After reviewing Mr. Bowles stated the second part of the flood note would be removed. Ms. Guazzo asked how much land would be dedicated for the future expansion. Mr. Trout stated the State did not ask for a land dedication. Ms. Guazzo stated the State may have not required a dedication however eventually this road will be expanded and we need to collect dedicated land now for the future expansion. Mr. Canavan stated he would reference previous plans and address the issue from there.

St. Mary's County Comprehensive Plan amendment – 6 Year Review – Mr. Jackman stated according to Section 3.05 of the plan Article 66B of the Annotated Code of Maryland each planning commission shall review and, if necessary, revise or amend the local plan every six years. Mr. Jackman gave a brief overview of the amendments to include House Bills 2 of 2006, 1141 of 2006, and 1160 of 2006. Mr. Jackman stated the review of the plan must confirm continued compliance with the eight visions of the 1993 Planning Act and with the 1997 Smart Growth Initiatives including mixed land uses, taking advantage of compact building design, creating housing opportunities and choices, creating walkable communities, fostering distinctive attractive communities, preserve open space, provide a variety of transportation options, etc.

Mr. Jackman gave a brief overview of the proposed work program stating staff is targeting 6/02/09 as the effective date of the new plan. Mr. Jackman stated an initial activity in the review will be an inter-departmental charrette to be held 6/11/08 at the County Airport. Mr. Jackman stated this exercise will be facilitated by Milton Herd of Herd Planning and Design, Ltd. of Leesburg, Virginia.

Mr. Reeves asked if the re-zoning would be included in this plan. Mr. Jackman stated no, the re-zoning would immediately follow. Ms. Guazzo asked if she could attend the inter-departmental meeting. Mr. Canavan stated Ms. Guazzo could attend. Ms. Guazzo asked about the consultants qualifications. Mr. Jackman stated he is known for his work in LaPlata. Mr. Evans stated he would like to see the citizens of St. Mary's county participate in these meetings. Mr. Canavan stated there would be five meetings held throughout the County. Mr. Canavan stated this is an ongoing effort and staff will keep the Commission informed of the schedule.

ANNOUNCEMENTS

ADJOURNMENT

The meeting was adjourned at 7:52 p.m.

Jada Stuckert
Recording Secretary

Approved in open session:

Stephen T. Reeves
Chairman