

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Tuesday, May 29, 2007**

Members present were Steven Reeves, Chair; Howard Thompson; Merl Evans; Shelby Guazzo; Brandon Hayden; Lawrence Chase; and Susan McNeill. Department of Land Use and Growth Management (LUGM) staff present were Denis Canavan, Director; Phil Shire, Deputy Director; Sabrina Hecht, Planner IV; Jeff Jackman, Senior Planner; Bob Bowles, Planner II; Jeanine Harrington, Intern and Jada Stuckert, Recording Secretary. Deputy County Attorney, Colin Keohan was also present.

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

APPROVAL OF THE MINUTES – The minutes of April 23, 2007 and May 14, 2007 were approved as presented.

It was the consensus of the Commission to take item two out of order. (See Public Hearing 2 for discussion)

PUBLIC HEARING DECISION

1. PUD #06-145-03 – Glazed Pine PUD

Mr. Bowles read the staff report which recommended deferral or denial. Ms. McNeill stated for the record that the letter received from Mr. Dudderar was received after the ten day requirement for letters that staff requests.

After further discussion Ms. Guazzo made a motion in the matter of PUD#06-145-03, Glazed Pine, having accepted the staff report dated April 23, 2007, and concluding that certain findings for Planned Unit Development Plan, have not been made, pursuant to Section 44.0 of Zoning Ordinance #02-01, and noting that the proposed Planned Unit Development, fails to conform to Section 32.1, Section 32.2, Section 44.7, Section 44.14, and Section 50.4 of the Comprehensive Zoning Ordinance and with basic requirements for Planned Unit Development approval, I move that the proposed requested creation of a Planned Unit Development, Mixed Use (PUD-X) Floating Zone, be denied for the following conditions.

1. It does not satisfy the purpose clause of the zone.
2. It is not in compliance with the Master Plan.
3. It is not compatible with the surrounding neighborhood.

Mr. Thompson seconded and the motion passed by a 7-0 vote.

PUBLIC HEARING

2. Planned Unit Development #06-145-04, St. Mary's Crossing, PUD

Mr. Bowles gave a brief introduction of the staff report and stated John Norris would give the presentation. Mr. Norris stated for the record that the property was posted in accordance with Article 2 of the Zoning Ordinance and mailings were sent to the adjoining property owners and staff. Mr. Norris asked on behalf of his client that the Commission grant a request for a continuance to further address the concerns in the staff report. Mr. Reeves asked if staff was concurrent. Mr. Canavan stated there are merits to continue the case and in addition the Board of Education also recommends the continuance.

A member of the public asked when the decision was made to continue this application and could it have been put on the air so that members of the public could have known in

advance. Mr. Canavan stated the decision is not made until the Planning Commission makes the decision; it is only a recommendation to the Planning Commission. A member of the public asked when the recommendation was decided. Mr. Canavan stated the recommendation was decided upon today at 2:30 p.m.

Mr. Guazzo stated she believes that the public made it a point to be at the Public Hearing tonight so she believes that the public's testimony should be accepted.

After further discussion in the matter of ZPUD #06-145-04 it was the decision of the commission to continue the public hearing. The board agreed that the continuance date would be set for July 9, 2007 at 6:30 p.m.

3. Standard Subdivision #06-120-01, Forrest Farm, Section 3, Phase 9

Mr. Bowles read the staff report which recommended approval. Mr. Thompson asked how the sports facility was coming along. Mr. Norris stated it was being used on a daily basis and thanked the Commission for their support.

Mr. Thompson made a motion in the matter of FSUB #06-120-01, Forrest Farm Subdivision Section 3, Phase 9, containing 14-lots, having accepted the staff report and having made a finding of adequate facilities, including Stormwater management as noted on the attached checklist, and noting that the project meets all TEC agency requirements, I move that the final subdivision plan, for lots 215, 216, and 226 through 237 be approved. Mr. Evans seconded and the motion passed by a 7-0 vote.

4. Standard Subdivision #06-120-04, Forrest Farm, Section 3, Phase 10

Mr. Thompson made a motion in the matter of FSUB #06-120-04, Forrest Farm Subdivision Section 3, Phase 10, containing 21-lots, having accepted the staff report and having made a finding of adequate facilities, including Stormwater management as noted on the attached checklist, and noting that the project meets all TEC agency requirements, I move that the final subdivision plan, for lots 238 through 258, be approved. Ms. McNeill seconded and the motion passed by a 7-0 vote.

5. Concept site Plan #05-132-46 Potomac Land Lodge and Restaurant

Mr. Bowles read the staff report which recommended approval. Mr. Thompson asked why they were not using METCOM. David Woodbury stated METCOM does not service the area. Mr. Woodbury stated they would be upgrading the stormwater management, reducing the impervious surface, and adding a buffer to make more aesthetically pleasing to the eye. Ms. Guazzo asked if boaters would be able to dock without using the restaurant or lodge. Chuck Kimball stated they would be able to dock without using the facilities. Ms. Guazzo asked if there would be restrooms available. Mr. Kimball stated there would be handicap accessible restrooms available. Ms. McNeill stated this is a great addition to the County.

After discussion Mr. Evans made a motion in the matter of CCSP #05-132-46, Potomac Land, Lodge and Restaurant, 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. Ms. McNeill seconded and the motion passed by a 7-0 vote.

6. Major Subdivision #05-120-03 Grandview Haven Phase 2

Mr. Bowles read the staff report which recommended approval. Mr. Reeves asked how the exclusion for people 55 year of age in APF works. Mr. Bowles stated whoever occupies that unit has to be 55 years old or older.

Ms. Guazzo asked if the lots access Route 5. Mr. Bowles stated this is correct. Ms. Guazzo stated there are a lot of large out parcels and asked what they are used for. Mr. Bowles stated there are no plans for them at this time and they would have to come before the Commission to be further subdivided in the future.

Ms. Guazzo asked for clarification on the litigation. Mr. Bowles stated they went before the BOCC for a shared water system. Ms. Guazzo asked for which phase did they ask for the shared water system. Mr. Bowles stated they originally wanted to have 52 additional lots in phase 2. Mr. Bowles stated the BOCC did not vote on the request instead it went to litigation. Ms. Guazzo stated she is still trying to understand what was asked of the BOCC. Mr. Canavan stated Phase 1 went forward and received approval of a water amendment to the Comprehensive Water & Sewage Plan, subsequent to that the applicant sought the same water amendment for Phase 2. Mr. Canavan stated the motion did not move forward and there was litigation, the judge took a summary judgment and has not written an opinion to date regarding this case.

Ms. Guazzo stated she does not see why Mr. Beck should be allowed to let all the lots empty out onto Route 5. Mr. Beck stated the previous Planning Commission, during Phase 1, required that when the 50 building was erected the lots should empty onto Route 5. Mr. Beck stated he has two other entrances that empty out onto Morganza Road that either subdivision can use.

Ms. Guazzo stated she does not see any dedication of land along Route 5. Mr. Beck stated you are not always required to dedicate land if the right-of-way is sufficient. Ms. Guazzo stated "Do not give me the sentence that I usually get from the State Highway"; there is nothing in the plans for the future for widening Route 5. Ms. Guazzo stated the developers in Callaway were required to donate land to the state highway, so that when the time came to widen Route 5 down there the land would be there already. Ms. Guazzo stated we should be doing this to each applicant that comes before the Commission. Mr. Beck stated an 80 foot right-of-way is sufficient to handle four lanes of traffic.

Mr. Beck stated if he were required to dedicate 20 to 40 more feet he would be happy to do so. Mr. Thompson asked if Mr. Beck had any problem dedicating 40 more feet. Mr. Beck stated if it is a requirement than he would have no problem dedicating 40 more feet. Mr. Thompson stated this is not a requirement, would you be willing to dedicate the land for future use of the State Highway usage. Ms. Guazzo stated dedicating the land means that the State is not going to come and buy it from Mr. Beck. Mr. Beck stated if the State shows him the need. Mr. Thompson interrupted and stated Mr. Beck needs to show the Commission that he is willing to dedicate the land. Ms. Guazzo stated dedicating the land would help get her vote. Mr. Thompson stated we have asked other people for this type of land dedication. Mr. Beck stated no he is not willing to give up land just to get votes out of the Commission.

Ms. Guazzo asked if Mr. Beck plans on having a Homeowners Association. Mr. Beck stated he does plan on a Homeowners Association.

After discussion Mr. Chase made a motion in the matter of PSUB #05-120-03, Grandview Haven, Phase 2, containing 19 lots, having accepted the staff report and having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (Criteria or Approval of a Preliminary Plan), including adequate facilities as described in the attached Director's Report, I move that the preliminary subdivision plan be approved. Mr. Evans seconded and the motion passed by a 4-3 vote with Susan McNeill, Shelby Guazzo, and Howard Thompson voting against.

ANNOUNCEMENTS: None

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: June 11, 2007

Stephen T. Reeves
Chairman