

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Monday, June 8, 2009**

Members present were Steven Reeves, Chairman; Shelby Guazzo, Susan McNeill, Merl Evans, Martin Siebert, and Lawrence Chase. Brandon Hayden was excused. Department of Land Use & Growth Management (LUGM) staff present were Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Dave Berry, Planner II; and Jada Stuckert, Recording Secretary. Deputy County Attorney David Weiskopf was also present.

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

Mr. Berlage stated this evening the Chamber of Commerce is honoring Mr. Phil Shire, Deputy Director of Land Use and Growth Management as the Public Servant of the Year. ***Ms. Guazzo made a motion that the members of the St. Mary's County Planning Commission would like to take note that this evening Phil Shire, our Deputy Director of the Department of Land Use and Growth Management, is being awarded a well deserved recognition for his service to the County by the Chamber of Commerce. The members of the Chamber have chosen Phil as the recipient of this year's annual Public Servant award. Phil has served the citizens of this County for over thirty years. Phil is always calm and helpful when assisting the citizens through the planning process. We would like to take this opportunity to say "well done" Phil; and thank you; Ms. McNeill seconded. The motion passed by a 6-0 vote.***

**APPROVAL OF THE MINUTES** – Ms. McNeill asked that the May 26, 2009 Board of County Commissioners minutes be attached to the Planning Commission minutes for the record. The minutes of May 26, 2009 were approved as presented.

## **DECISION**

### **Extensions of Time**

Mr. Bowles gave a brief overview of the joint County Commissioners and Planning Commission public hearing held on May 26, 2009. Ms. McNeill stated there seems to be one section of the State statute that applies to different types of projects. Ms. McNeill stated the State statute says the time should be tolled, meaning automatically extended. Ms. McNeill stated she does not see the discretion, as it narrows the intent of the legislature and the Governor. Ms. McNeill stated we don't want to limit the options of the developer. Ms. McNeill asked that we clear this up prior to sending this to the County Commissioners.

Ms. Guazzo asked what the probability was for someone to sue the County. Ms. McNeill stated she is unsure. Ms. McNeill stated we need to be clear on the law. Mr. Evans stated if this was the case the County would not have its own governing documents. Ms. Guazzo stated where you are making an exception you need to allow the Planning Director the discretion to be able to monitor the situation. Ms. McNeill stated if the law requires this then we should be abiding by the State law. Ms. Guazzo stated if the Attorney General has a problem with our decision they will let us know and we can change our language from there. Chairman Reeves asked that Ms. McNeill's concerns be noted in the record.

***Mr. Evans made a motion in the matter of proposed amendments to the Comprehensive Ordinance and to the Subdivision Ordinance for the purpose of extending time limits imposed by these ordinances, having accepted the staff report of May 18, 2009, and having conducted a public hearing on May 26, 2009, and finding that adopting the proposed amendments would promote the public health, safety and welfare, I move that the Planning Commission recommend to the Board of County Commissioners the repeal and re-enactment of Section 21.1.3 of the Comprehensive Zoning Ordinance and Section 21.1.3 of the County Subdivision Ordinance to read as follows:***

### 3. **Extensions of Time**

- a. **Upon written request, the Planning Director may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant by this Ordinance. An extension of time may also be granted by any body acting pursuant to this Ordinance unless this Ordinance expressly provides otherwise. The cumulative extension(s) of time granted by such extension or extensions shall not exceed twice the length of the original period.**
- b. **Notwithstanding the above paragraph, and in light of economic conditions, for approvals subject to the discretion of the Planning Director and needing extension between the dates of July 1, 2008 and December 31, 2010, the Planning Director may, upon written request, extend valid approvals for an additional two years.**

**I further move that the Chair be authorized to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Board of County Commissioners and Mr. Siebert seconded. The motion passed by a 6-0 vote.** Ms. McNeill stated she is in favor of the amendment with her concerns noted for the record.

### **PUBLIC HEARINGS**

#### **CWSP #09-200-001 – Willows Road Business Park**

Mr. Jackman gave an overview of the request to amend service area maps III-51 and IV-51 to change the water and sewer service categories from W-6D and S-6D (service in 6 to 10 years, developer financed) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 26.98 acres described as Tax Map 51, grid 11, Parcel 177 in the 8<sup>th</sup> Election District in anticipation of providing community water and sewerage service to a proposed 290,125 sq. foot business park located on Willows Road in Lexington Park. Mr. Jackman stated notice of the public hearing has been duly advertised in The Enterprise on May 22, 2009 and May 29, 2009.

Ms. Guazzo asked what were the previous uses. Mr. Dutch stated there is mini-storage, office space. Ms. Guazzo asked if any of this would be retail space. Mr. Dutch stated no. Ms. Guazzo stated this seems like a lot of EDU's for a storage facility. Mr. Jackman stated this is the maximum number of EDU's necessary for the building. Ms. McNeill stated it looks like each of the flex spaces has an office. Mr. Dutch stated yes, and each office would have a bathroom.

Chairman Reeves opened the hearing to public comment, hearing none; it was the consensus of the members to close the hearing to public comment.

**Mr. Evans made a motion in the matter of Willows Road Business Park, Case CWSP #09-200-001: having accepted the staff report dated April 23, 2009, and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP), 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, I move that the Planning commission recommend to the Board of County Commissioners to amend service area maps III-51 and IV-51 to change the service categories from W-6D and S-6D (service in 6 to 10 years, developer financed) to W-3D and S-3D (service in 3 to 5 years, developer financed) for property described as Tax Map 51, Grid 11, Parcel 177 in the 8<sup>th</sup> Election District; I further move that the Chair be authorized to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Board of County Commissioners and Ms. McNeill seconded. The motion passed by a 6-0 vote.**

## DEVELOPMENT REVIEW

### **CCSP #07-132-023 – Victoria Station**

Mr. Berry gave an overview of the request for an 18,240 square foot retail/office building at the intersection of Three Notch Road, Point Lookout Road, and Old Village Road stating final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval.

Chairman Reeves asked what type of services will be provided in this building. Mr. Parlett stated retail will be located at street level and office space on the second floor. Ms. McNeill asked about ingress and egress to the building. Mr. Siebert stated there is an entrance and an exit on Old Village Road. Ms. McNeill asked if additional ingress and egress would be needed. Mr. Parlett stated no and the frontage on Route 5 could be dedicated as a 5 foot wide strip towards the widening of Route 5 in the future.

***Mr. Siebert made a motion in the matter of CCSP #07-132-023, Victoria Station, 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. Chase seconded. The motion passed by a 6-0 vote.***

## DISCUSSION

### **Comprehensive Plan**

Mr. Jackman gave an overview of Chapter 10 Public Facilities and Chapter 11 Transportation of the Comprehensive Plan draft.

Mr. Schaller gave a power point presentation, which is on file at the Department of Land Use and Growth Management, stating St. Mary's County has over 100,000 people which is the second highest growth rate in the state. Mr. Schaller stated this is due to the solid job growth at NAS Patuxent River and the result of this is we have the third lowest unemployment rate in the state. Mr. Schaller stated the projection is these trends will continue. Mr. Schaller gave an overview of Chapter 8 Housing and Chapter 9 Economic Development of the Comprehensive Plan draft.

Mr. Jackman stated the public hearing for the Comprehensive Plan will be held on Monday, June 22, 2009 at the Lexington Park Volunteer Fire Department to begin at 6:30 p.m. Mr. Berlage stated there will be a second public hearing held in the northern portion of the County at a future date.

## ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

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Jada Stuckert  
Recording Secretary

Approved in open session:        June 22, 2009

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Stephen T. Reeves  
Chairman