

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, July 10, 2006**

Members present were Steve Reeves, Chair; Lawrence Chase; Merl Evans; Brandon Hayden; and Susan McNeill. Howard Thompson 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, Planner II; Susie McCauley, Planning Technician II; and Keona Courtney, Recording Secretary. County Attorney, Christy Holt Chesser, and Deputy County Attorney, Colin Keohan, were also present.

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

**ELECTION OF OFFICERS**

The election of officers took place, with Mr. Reeves being elected as Chairperson and Mr. Thompson as Vice Chair.

**APPROVAL OF THE MINUTES** – The minutes of June 26, 2006 were approved as corrected.

**PUBLIC HEARINGS**

**CWSP #05-132-032 – GLAZED PINE ADDITIONAL PARCELS**

The request is to amend service area maps III-52 and IV-52 to change the service categories from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for property described as Parcels 196, 102, and 66 of Tax Map 52 in the 8<sup>th</sup> Election District in anticipation of providing community water and sewerage service for mixed use development.

Owners: Raleigh Development, LLC (Parcel 102 and 196) and Donald Moore  
(Parcel 66)  
Agent: Brenice J. Crissman, NG&O Engineering, Inc.

Legal advertisements were published in the *St. Mary's Today* on 6/25/06 and 7/2/06. The properties were posted and notices were mailed to the adjoining property owners.

Mr. Jackman explained that Parcels 102 and 196 are owned by Raleigh Development, LLC and are part of the proposed Glazed Pine development and Parcel 66 is owned by Mr. Moore and adjacent to the proposed development. Service to Parcel 66 will require upgrading the current use of the property that has a commercial building on site and is zoned Corridor Mixed Use (CMX) District. The applicants will have to pay all installation costs for service to their properties.

Ms. McNeill inquired if all three parcels are located in the Air Installations Compatible Use Zone (AICUZ). Mr. Jackman said that all three parcels are located in Accident Potential Zone 2 (APZ 2) of the AICUZ.

The Chair opened the hearing to public comment.

Donald Moore, owner of Parcel 66, inquired to Mr. Jackman about the cost of extending water and sewer service to his property. Mr. Jackman explained although he does not know the total cost of the service extension, Mr. Moore would only be responsible for the cost of extending water and sewer service from where it ends at the proposed development in Glazed Pine to his property.

Ms. McNeill inquired if Mr. Moore will need to submit an application to upgrade the service area category for his property within a certain amount of time and if the application time can expire. Mr. Jackman explained if a new service area category is approved for Mr. Moore's property, then water and sewer service will be available to his property when he decides to connect it. Mr. Jackman explained time is only a factor when new service lines are installed and about a property, in those instances the St. Mary's County Metropolitan Commission (MetCom) expects the property owner to connect to the service lines within six months of their operation; however, the property owner can seek a deferral of up to five years from MetCom.

Mr. Moore inquired to Mr. Jackman where the water and sewer lines will abut his property. Mr. Jackman explained their location is still under design and has not yet been decided. He explained the concept plan currently shows there will be a building on Parcels 102 and 196; however, until a final design plan is complete there will be no way to determine if the service lines will actually abut Mr. Moore's property and if MetCom's six month requirement will be applicable.

Mr. Jackman asked Charlotte Armstrong, Assistant Engineer for MetCom, to explain at which point the service lines installed to service the proposed building on the Glazed Pine property will abut Mr. Moore's property. Ms. Armstrong stated she is not sure and will need to ask another member of her staff about this. Ms. McNeill asked Ms. Armstrong who Mr. Moore may contact to obtain more detailed information. Ms. Armstrong offered to provide Mr. Moore with her contact information as well as the opportunity to speak with a design engineer from MetCom.

Mr. Jackman explained the Board of County Commissioners (BOCC) will conduct a public hearing on this matter after the Planning Commission makes their recommendation and Mr. Moore reserves the right to withdraw his application for a service area category change at any time if he desires to do so.

The Chair closed the hearing to public comment.

**Mr. Evans moved that having accepted the staff report, dated June 23, 2006, 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, the Planning Commission recommend to the Board of County Commissioners to amend service area maps III-52 and IV-52 to change the service categories from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for properties described as Parcels 196, 102, and 66 of Tax Map 52 in the 8<sup>th</sup> Election District; and to authorize the Chairman to sign a resolution to transmit this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Chase and passed by a 5-0 vote.**

#### **PROPERTIES OF CHARLOTTE HALL CENTER, INC. – ZONING MAP PROPOSAL**

To consider an amendment to the Official Zoning Maps of the St. Mary's County Comprehensive Zoning Ordinance (Z-02-01).

##### Zoning Map Proposal:

Tax Map 4, Grid 5, Parcels 21, 297 and 453 in the 5<sup>th</sup> Election District, Charlotte Hall, Maryland: Rezone from Industrial (I), Office Business Park (OBP), or Rural Preservation District (RPD) to Industrial (I).

Mr. Jackman explained the BOCC held a work session in April 2002 to finalize a new comprehensive zoning ordinance and during that time they requested the rezoning of Parcels 21, 297 and 453 to Industrial zoning. At that time staff relied on the tax maps available and a Southern Maryland Electric Cooperative (SMECO) utility easement defined by the St. Mary's

County Comprehensive Plan as marking the boundary of the Charlotte Hall Town Center to prepare the new zoning maps, and Industrial zoning was only extended to that boundary for the three parcels. Mr. Jackman explained a portion of parcels 21 and 297 actually extend beyond the boundary and were not included in the Industrial zone. There was also some confusion regarding the boundaries of Parcel 453. He stated the zoning maps adopted in May 2002 were based on erroneous information and staff will now use the deeds and Town Center boundary to correct the zoning maps and apply Industrial zoning to the entirety of the three parcels.

Mr. Evans inquired to Mr. Jackman if staff has any procedures in place to verify that the information on tax maps is correct because it is a time consuming process to correct a zoning map mistake and property owners are also affected by such mistakes. Mr. Jackman explained staff requires property owners to submit a copy of their deed when making permit applications so staff can clarify any discrepancies. Mr. Evans stressed there needs to be a way to address this issue so that mistakes like this one do not continue to occur.

Ms. McNeill inquired to Mr. Jackman if the BOCC realized portions of the parcels extended beyond the Town Center boundary at the time they requested the rezoning or if they thought the properties only extended to that boundary. Mr. Jackman explained the BOCC's instructions were to rezone the entirety of the three parcels to Industrial zoning regardless of whether or not portions of the properties lied within the Town Center boundary. Ms. McNeill stated it is difficult for her to make a decision regarding this matter without more information. Mr. Shire explained mapping errors have been an on ongoing problem for staff and over the past few months they have been requesting survey work done in digital format be sent to LUGM so staff may map it correctly. Mr. Shire also stated there is a disconnect between the information staff receives from deeds and surveys and the information the Tax Assessments Office has on record. Ms. McNeill stressed the entire problem needs to be resolved.

Ben Burroughs, owner of Charlotte Hall Center Inc., explained the BOCC asked him to consider rezoning some of his property to Industrial zoning which is located behind Charlotte Hall Lumber Company. Mr. Burroughs agreed to the rezoning of the three parcels and later had a licensed surveyor survey the entire property. Mr. Burroughs explained he paid over \$500,000 in infrastructure costs to move forward with the development of his property and it was not until he applied for perc tests at LUGM approximately five months ago, when he discovered a zoning mistake had occurred. Mr. Burroughs stated he intends to pass on his property to his four children. Ms. McNeill asked Mr. Burroughs if he was under the impression the Industrial zoning would extend beyond the Town Center boundary. Mr. Burroughs replied he was.

Mr. Evans inquired to Mr. Shire about the steps taken to prevent the disconnect between the information staff receives and the information the Tax Assessments Office receives. Mr. Shire explained this issue is getting much better and when staff records a plat, the Tax Assessments Office receives a copy of the recorded plat.

The Chair opened the hearing to public comment.

William Higgs, a professional land surveyor, explained according to the BOCC minutes from April 2002 the entire property was intended to be rezoned to Industrial zoning and evidently the tax maps were incorrect at the time. Ms. McNeill inquired if any land that will be rezoned to Industrial zoning lies south of the Town Center boundary. Mr. Higgs explained there is some land that lies south of the boundary; however, this land will not be rezoned to Industrial because it was not zoned Industrial originally. Mr. Higgs also stated only the portions of the parcels that extended to the Town Center boundary were considered for Industrial zoning.

Mr. Canavan asked Mr. Higgs if the 40 acres of land that makes up Parcel 297 lies north of the Town Center boundary or not. Mr. Higgs stated that he is unable to provide an answer to the question. Mr. Canavan asked Mr. Higgs to point out the 53 acres of land that makes up Parcel 21. Mr. Higgs pointed out the entire parcel, explaining a portion of it extends beyond the

Town Center boundary. Mr. Canavan asked Mr. Higgs to point out the 32 acres of land that makes up Parcel 453. Mr. Higgs pointed out the entire parcel, explaining it stops at the Town Center boundary and does not extend beyond it. Mr. Canavan asked Mr. Burroughs if this is his understanding of what the BOCC considered for the three parcels to be rezoned to Industrial. Mr. Burroughs stated to his understanding the total of acreage from the three parcels is what the BOCC voted on and instructed staff to rezone to Industrial.

Mr. Canavan explained based on the information received from Mr. Burroughs and Mr. Higgs, the portion of Parcel 21 that is zoned RPD and extends beyond the Town Center boundary, should be included as part of the zoning map amendment and rezoned to Industrial. Mr. Canavan added due to the uncertainty about the small portion of Parcel 297, staff will have to follow up on that; however, it seems unsuitable to retain RPD zoning for that small portion of the parcel when the adjoining acreage is being considered for Industrial zoning.

The Chair closed the hearing to public comment.

Ms. McNeill explained she would prefer to continue the case to the next meeting in order for staff to provide a clearer understanding of the properties under consideration for rezoning. The remaining Planning Commission members agreed they do not see a reason to postpone the decision.

**Mr. Chase moved that having accepted the staff report, dated June 21, 2006, that confirms a mistake in the zoning of these lands, and following a public hearing held for the purpose of considering an amendment to the St. Mary's County Official Zoning Maps to correct this mistake, the Planning Commission recommend to the Board of County Commissioners that Zoning Map 4 be amended as follows:**

- 1. Change the zoning of Parcel 21 (as described in Deed 54/205) from Industrial (I) in part and Rural Preservation District (RPD) in part to Industrial (I);**
- 2. Change the zoning of Parcel 297 (as described in Deed EWA 666/378) from Industrial (I) in part and Rural Preservation District (RPD) in part to Industrial (I); and**
- 3. Change the zoning of Parcel 453 (as described in Deeds EWA/1009/491 and EWA/1258/450 from Industrial (I) in part and Office Business Park (OBP) in part to Industrial (I);**

**and to authorize the Chair to sign a resolution on behalf of the Planning Commission to convey this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Evans and passed by a 4-1 vote. Ms. McNeill was opposed.**

## **DEVELOPMENT REVIEW**

### **CCSP #05-132-034 – GUARDIAN TERMITE AND PEST CONTROL**

The applicant is requesting review and approval of a concept site plan for a 5,480 square foot office and business service. The property contains 1.462 acres; is zoned Rural Limited Commercial District (RCL); and is located at 26866 Point Lookout Road in Leonardtown, Maryland; Tax Map 32, Grid 2, Parcel 186.

Owner: Kidwell Investment Group, LLC (Robby Kidwell)  
Agent: Frank Collinson, Advanced Surveys, Inc.

Mr. Bowles explained final findings for adequate public facilities will be made administratively by the Planning Director as a prerequisite for final site plan approval. A waiver from the CWSP needs to be granted by the Directors of Health Department, MetCom, and LUGM per Section 70.8 and 70.9 of the Ordinance because the property has a water and sewer line that

runs to the Banneker Elementary School site that is currently not accessible. The proposed project is located in the RCL zone which is designed for small scale commercial use. The applicant must submit an adequate public facilities study (APFS) with the major site plan.

Mr. Chase inquired if the housing development across the street from this property is connected to water and sewer service. Mr. Jackman explained the property is known as the Villages of Leonardtown and it has water and sewer service. Mr. Chase inquired about water and sewer arrangements for the property under consideration. Mr. Jackman explained it will have an on site septic system.

**Mr. Evans moved that having accepted the staff report, dated July 10, 2006, 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 approval of the concept site plan. The motion was seconded by Mr. Hayden and passed by a 5-0 vote.**

## **DISCUSSION**

### **WILDEWOOD PUD UPDATE AND MINOR AMENDMENT TO IMPLEMENT A SEMI-ANNUAL REPORTING PROCESS**

Mr. Wettengel provided a progress report of projects under the approved PUD. Over the past year a site plan was approved for Lake Apartments, Phase Two and a piece of the property was sold with the extension of FDR Boulevard as a condition of the sale and a requirement for the site plan. To date, 108 building permits and 35 certificates of occupancy have been procured for Dahlia Park, Phase One; site plans for a development envelope in Challenger Estates containing one unit, 75 units in Dahlia Park Phase Two, 208 units in Sturbridge Condos, 125 Navy workforce housing units in Challenger Estates, and 212 units in Primrose Park are currently in process. Two plats were also recorded, one for a retirement village consisting of 314 units and the other for a water tower and recreational area. To date, 1531 units of the 3792 allowed units have been constructed or are under certificate of occupancy. Mr. Wettengel also explained the open space requirements and noted 734.82 acres of overall open space have been provided to date. Due to the increased rate of development in the PUD, Mr. Wettengel requested to return to the semi-annual update schedule, with updates occurring in January and July of each year.

**Mr. Chase moved that having made a finding, due to increased development activity in the Wildewood PUD, and having made a finding that the objectives of Section VI.A.1 of the Wildewood Development Plan and Section 44.4.4 of the St. Mary's Comprehensive Zoning Ordinance have been met, and noting that the referenced project has met the requirements for minor amendments, the Planning Commission approve a minor amendment to the PUD to change from annual reports, to semi-annual reports. The motion was seconded by Mr. Hayden and passed by a 5-0 vote.**

The Planning Commission heard comments from several adjoining property owners concerning development activities in the PUD, mainly Challenger Estates. Among their concerns were a lack of understanding of PUD documents and terminology; a road within the 50-foot buffer; an increase in noise, lights, and traffic resulting from workforce housing; an increase in traffic on MD 4 and the need for a traffic study; environmental issues including the amount of clearing and effects of erosion and water quality of St. Mary's River.

Mr. Canavan explained the development activities are in compliance with the approved PUD; however, staff is willing to meet with all interested parties, visit their property to hear and be able to see their concerns first hand, and provide a better understanding of the development activities that are in place.

**ADJOURNMENT**

The meeting was adjourned at 9:05 p.m.

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Keona L. Courtney  
Recording Secretary

Approved in open session: July 24, 2006

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Stephen T. Reeves  
Chairman