

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, July 24, 2006**

Members present were Steve Reeves, Chair; Howard Thompson, Vice Chair; Lawrence Chase; Merl Evans; Shelby Guazzo; Brandon Hayden; and Susan McNeill. 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; and Keona Courtney, Recording Secretary. County Attorney, Christy Holt Chesser, was also present.

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

WELCOME - The Planning Commission welcomed Shelby Guazzo as a new member.

APPROVAL OF THE MINUTES – The minutes of July 10, 2006 were approved as recorded.

PUBLIC HEARING

CHESAPEAKE INDUSTRIAL PARK PROPERTY AND VICINITY – 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 40, Grid 6 & 18, Parcels 253, 53, 55, 164, 119, 14, 190, 191, 54, 135, 188. Lots 1-6, in the Third Election District, Leonardtown, Maryland: Rezone from Resource Conservation Area (RCA) Critical Area Overlay to Limited Development Area (LDA) Critical Area Overlay.

Legal advertisements were published in the *St. Mary's Today* on 7/9/06 and 7/16/06. The properties were posted and notices were mailed to the adjoining property owners.

Mr. Jackman explained the properties were classified LDA according to County Ordinance #90-11 and staff prepared the official zoning maps to reflect the LDA shading pattern; however, a mistake was made during the drafting of Zoning Map 40 and the properties were zoned RCA. Correcting this error will change the zoning from RCA to LDA and will result in clarification of the Critical Area Overlay. Mr. Jackman explained a self storage facility is proposed on a portion of Parcel 253 which is also zoned Industrial; however, the project must meet the Critical Area requirements before development can occur. The remainder of Parcel 253 is required as open space to off-set development in the Industrial zone.

Mr. Jackman explained two Planning Commission members and staff met on 6/28/06 with eight of the 16 adjoining property owners to discuss the zoning map amendment, and overall they did not have an objection to it. Two other property owners later expressed their concerns to staff about the zoning overlay change providing an opportunity for increased development. In turn staff provided all of the property owners with a draft copy of amended Zoning Map 40 and a form letter requesting their input as to whether or not they support the zoning map amendment. Three property owners responded to the letter, with two in agreement of the amendment and one in opposition of the amendment with recognition the amendment needs to occur.

Ms. Guazzo inquired about Parcel 191, wanting to know who owns the property and if staff has contacted the property owner. Mr. Jackman stated Parcel 191 is owned by the County Commissioners. He explained there is a boat launch located at the end of the road and the property owner was notified of the proposed zoning map amendment. Ms. Guazzo inquired if Parcel 191 is considered a water dependent facility. Mr. Jackman explained the parcel is a water dependent facility because of the boat launch.

The Chair opened the hearing to public comment.

Jeanne Marie Dabney, a resident of Camp Calvert Road, inquired if development can occur in the highly erodible soil areas. Mr. Jackman stated there will not be any development in those areas.

The Chair closed the hearing to public comment.

Mr. Hayden moved that having accepted the staff report, dated July 7, 2006 that confirms a mistake in the labeling of the Critical Area classification for these properties, 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 40 be amended to change the labeling of the Critical Area zoning overlay from RCA to LDA on Parcels 253, 53, 55, 164, 119, 14, 190, 191, 54, 135, and 188 (Lots 1-6); 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. Chase and passed by a 7-0 vote.

DEVELOPMENT REVIEW

PSUB #00-120-032 – WOODS AND STREAMS HOMES

The applicant is requesting preliminary review and approval of a subdivision plan for 41 lots in a major subdivision. The property contains 44.823 acres; is zoned Residential Low-Density (RL) District; and is located on the east side of MD Route 237 approximately 4,000 feet north of MD Route 246; Tax Map 51, Grid 1, Parcel 1.

Owner: Harry W. Miller
Present: John Norris, NG&O Engineering Inc.

Mr. Shire explained the only outstanding issue is a concept site plan for 31 townhouses anticipated for Planning Commission review at a later date. The concept site plan was reviewed by TEC agencies during the September 2000 review cycle and the Planning Commission granted concept approval on April 26, 2004. Mr. Shire explained the County will charge a fee in lieu of \$353 per lot to be placed in escrow for improvements to the intersection of Buck Hewitt Road and Chancellor's Run Road (MD 237). He noted that the project will provide approximately five and one-half acres of recreation space.

Ms. Guazzo inquired if the townhouses will have separate access to MD 237 or if access to them will be from within the parcel. Mr. Shire explained according to older plans, the townhouse development will have separate access to MD 237 and there appears to be a 750-foot separation between the roadway and the development. Mr. Norris explained State Highway Administration (SHA) is in the process of acquiring land for improvements to MD 237 and the design for stormwater management is not complete; however, a portion of this property is being looked at for stormwater management. Ms. Guazzo expressed concern about creating additional access points on major corridors such as MD 237 because it can add to the traffic problem. Mr. Norris explained the 750-foot separation is adequate for traffic engineering.

Mr. Thompson expressed concern about the location of an access point to MD 237 from the townhouse development. Mr. Norris explained a highway grade change is in process and SHA will have to provide enough site distance if an access point is created. Mr. Thompson expressed concern about the location of stormwater management and runoff to the large stream that is nearby. Mr. Norris explained the stormwater management design has been reviewed by DPW&T and is nearing approval. Mr. Shire pointed out the flood plain on the plan and explained a 50-foot buffer is required outside of the flood plain.

Ms. Guazzo and Ms. McNeill inquired about what alternatives adjacent property owners have in the event that they encounter a stormwater management problem as a result of this development. Mr. Shire explained there will be a homeowner's association and they will be responsible for the open space area and the maintenance of stormwater management structures to be located there.

Garry Wolfrum, resident of an adjacent community, explained he did not receive direct notification of the variance to extend the length of the cul-de-sac and to his knowledge only property owners directly attached to the development were notified. He sent an appeal letter to staff regarding the variance decision and did not receive a response. Mr. Shire stated DPW&T granted an administrative variance to increase the length of the cul-de-sac beyond the 600-foot maximum length requirement. Upon approval of the variance, the applicant was required to notify all adjacent property owners. Due to the fact that an appeal can be filed through LUGM to the Board of Appeals, staff received letters and spoke with several of the residents. Mr. Shire explained the residents were informed that an appeal would have to be filed within a certain amount of time and an appeal was not filed.

Danny Kolliopoulos, resident of Nancy Lane, provided a letter to the Planning Commission he received from NG&O Engineering regarding the variance that was granted. He expressed his displeasure about the fact that he and other residents of the Friendly Pines community were not notified in advance of the \$400 fee to appeal the decision to the Board of Appeals. Mr. Kolliopoulos also provided a copy of the appeal letter dated 6/14/06 that many residents sent to Yvonne Chaillet, LUGM Zoning Administrator. He stated no one received a response to their appeal letter.

Ms. Guazzo inquired if the preliminary plan can be approved subject to the appeal decision made by the Board of Appeals since an appeal may change various factors pertaining to this development. Mr. Canavan explained staff will first need to determine if the appeal meets the requirements to go before the Board of Appeals and if so, then the Planning Commission can hold off on their decision until after the Board of Appeals makes an appeal decision.

Ms. Guazzo inquired if the Planning Commission has a time limit to approve the preliminary plan. Mr. Shire explained there is no time limit; however, adequate public facilities are a concern. Ms. Guazzo realized the developer needs preliminary plan approval for school seat allocations.

Considering the need to satisfy adequate public facilities, Mr. Canavan recommended the Planning Commission consider approval of the preliminary subdivision plan for a maximum of 41 lots upon the condition that the number of lots can be reduced based on the Board of Appeals' decision. The project would then return to the Planning Commission for review.

Mr. Kolliopoulos expressed concern about the length of the cul-de-sac and adverse impacts that development may have on the wetlands, wildlife, environment and value of his property. He explained some residents of the community already experience flooding in their backyards when there are torrential rains. Torrential rains also cause flooding and closure of MD 237 and residents must find alternate routes. He stated the fact that there are no outlets to MD 237 is a significant concern because residents in this area need to be able to evacuate if an emergency situation occurs. Mr. Kolliopoulos also showed pictures of large trees that have fallen in the wetlands and stressed an environmental study is needed there before development starts.

Mr. Kolliopoulos argued that it appears the development will be overbuilt. Mr. Reeves explained the number of lots proposed is in compliance with Ordinance regulations.

Mark Tomor, resident of Nancy Lane, stated he sent an appeal letter to staff prior to the deadline. He stated the area near the cul-de-sac is a floodable area and explained he is fearful of

flooding on his property because rainwater from Hurricane Isabel rose approximately 25 feet from his house which is located on a slope. He explained he likes the wetlands area and feels it will be destroyed by development. Mr. Tomor noted he did not have an objection to the smaller cul-de-sac; however, he has a problem with an extension of the cul-de-sac because it will encroach on the wetlands which are part of the County's heritage.

Ms. Guazzo suggested staff should consider working along with DPW&T to create a notification letter template for developers to use when notifying neighboring property owners that contains certain information and specifies who to contact if there is a problem.

Ms. McNeill explained the Planning Commission should table their decision until after the appeal is scheduled and the Board of Appeals makes their decision. Ms. Guazzo disagreed, explaining the developer has rights as well as the adjoining property owners.

Mr. Thompson moved that having accepted the staff report, dated July 12, 2006, and having made findings pursuant to Section 30.5.5 of the St. Mary's County Subdivision Ordinance (Criteria for Approval of a Preliminary Plan), including adequate facilities as described in the Director's Report, the Planning Commission grant approval of the preliminary subdivision plan for a maximum of 41 lots in a major subdivision upon the condition that the number of lots may be reduced based on an appeal decision by the Board of Appeals; and thereafter the plan return to the Planning Commission for review prior to final approvals by LUGM and DPW&T. The motion was seconded by Ms. Guazzo and passed by a 6-1 vote. Ms. McNeill was opposed.

CCSP #06-132-016 – GUY COMMERCIAL CENTER

The applicant is requesting review and approval of a concept site plan for a 59,509 square foot business park. The property contains 8.02 acres; is zoned Rural Commercial Limited (RCL) District; and is located at 26726 Point Lookout Road in Leonardtown, Maryland; Tax Map 32, Grid 2, Parcel 4.

Owner: Randy and Sandy Guy & Family (RSG & F, LLC)
Agent: William Mehaffey, Mehaffey & Associates, P.C.

Mr. Bowles explained the only outstanding issues are final findings for adequate public facilities will be made administratively by the Planning Director as a prerequisite to final site plan approval, and a waiver from the Comprehensive Water and Sewerage Plan (CWSP) is needed because access is denied to services at Banneker Elementary School site. Mr. Bowles explained the applicant must submit an adequate public facilities study (APFS) with the major site plan.

Mr. Jackman stated the waiver was completed today. He explained properties located in the Lexington Park Development District are required to connect to public water and sewer services; however, there are times when it is unfeasible for this to occur and a waiver must be obtained. Mr. Reeves inquired if the property will have a private septic system. Mr. Jackman replied it will have a private septic system.

Mr. Hayden moved that having accepted the staff report, dated July 13, 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. Thompson and passed by a 7-0 vote.

DISCUSSION

EDUCATION FACILITIES MASTER PLAN

Brad Clements, Chief Administrative Officer for St. Mary's County Public Schools (SMCPS), and Kimberly Howe, Capital Planning Coordinator, provided an overview of the Educational Facilities Master Plan 2006. Ms. Howe explained the four goals guiding the Capital Improvement Program (CIP) are as follows:

1. To meet the interim and long-term capacity needs of students and programs;
2. To maintain a systematic addition, renovation and modernization schedule to ensure that facilities are safe and up-to-date;
3. To ensure schools are environmentally safe, secure, efficient and comfortable; and
4. To meet the educational program requirements, ensuring equity for all students

Ms. Howe explained the number of building permits, occupancy permits, and birth rates are all monitored to determine the growth areas and possible sites for school construction. Improvements are anticipated for Leonardtown and Greenview Knolls Elementary Schools and Spring Ridge Middle School for FY 2008; a new elementary school and high school as well as improvements to Leonardtown Middle School, Oakville and Benjamin Banneker Elementary Schools are proposed for FY 2009; a new elementary and middle school are proposed for FY 2012; and improvements to Benjamin Banneker, Ridge, and White Marsh Elementary Schools are proposed for FY 2013.

Mr. Reeves inquired if school seat allocations are assigned to developers at the time the Planning Commission grants approval of preliminary subdivision plans. Ms. Howe replied they are allocated at that time. Mr. Reeves inquired about when SMCPS allocates the school seats. Ms. Howe explained SMCPS looks at several factors to determine seat allocations; however, there is a disconnect between their allocations and those determined by adequate public facilities and SMCPS is working with the Chamber of Commerce to iron out this issue.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Keona L. Courtney
Recording Secretary

Approved in open session: August 14, 2006

Stephen T. Reeves
Chairman