

MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING

ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND

Monday, August 28, 2006

Members present were Steve Reeves, Chair; Howard Thompson, Vice Chair; Lawrence Chase; Shelby Guazzo; Brandon Hayden; and Susan McNeill. Merl Evans was excused. Department of Land Use and Growth Management (LUGM) staff present were Denis Canavan, Director; Jeff Jackman, Senior Planner; Phil Shire, Planner IV; Bob Bowles, Planner II; Dave Berry, Planner I; Susie McCauley, Senior Planning Specialist; Amber Guy, Office Manager; and Cindy Koestner, Recording Secretary. County Attorney, Christy Holt Chesser, and Deputy County Attorney, Colin Keohan were also present.

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

APPROVAL OF THE MINUTES – The minutes of August 14, 2006 were approved as recorded.

PUBLIC HEARING DECISION

On proposed amendments to the maps and text of the St. Mary's County Comprehensive Zoning Ordinance (Ordinance Z-02-01, adopted May 13, 2002 and subsequently amended) (CZO). If approved, these amendments will result in substantive changes in various zoning districts and zoning regulations, including, among other things, changes in zoning or in allowable residential densities for selected properties.

The proposed amendments are intended to implement the Lexington Park Development District (LPDD) Master Plan as adopted by the Board of County Commissioners (BOCC) November 1, 2005 (the Master Plan). The following provisions of the ordinance and maps are included in this public hearing, and additional items may be identified based upon public testimony on the Ordinance: Chapter 32 of the CZO, and Zoning maps 27, 28, 33, 34, 35, 42, 44, 50, 51, 52 and 58. The area under consideration for map amendments is limited to the Lexington Park Development District as defined in the Master Plan.

On August 8, 2006, the BOCC conducted a joint public hearing with the Planning Commission and left the record open for 10 days to receive written comments.

Mr. Canavan asked the Planning Commission to consider and vote on the text amendments first because they affect some of the rezoning requests. He explained recommended text changes include density increases in the Residential High Density District (RH) from 15 units per acre to 20 units per acre and in the Corridor Mixed Use District (CMX) from 5 units per acre to 15 units per acre. Both increases will be available through the purchase of Transferable Development Rights (TDRs). Mr. Canavan stated no objections were voiced at the public hearing in regard to the proposed density increases. He explained staff also recommends expanding the normal setback for the CMX zone by 50 additional feet where CMX adjoins a Residential Neighborhood Conservation District (RNC) or a Residential Low-Density District (RL). Due to comments voiced at the August 8th hearing, staff added a text amendment to increase buffer requirements for a CMX zone where it adjoins either an RNC zone or an RL zone. The amendment will increase the buffer to a minimum depth of 60 feet and a minimum of 106 plantings, which is twice that of the "C" buffer as described in the Ordinance.

Mr. Reeves asked if any public comments were received regarding the text amendments since the August 8th hearing. Mr. Jackman replied no comments were received. Ms. McNeill asked if the U.S. Department of the Navy has submitted input on the proposed RH and CMX density increases. Mr. Canavan explained the Navy does not review text amendments but they are given the opportunity to review developments near the Patuxent River Naval Air Station (PAX). Mr. Hayden asked if the increased buffer will be required on all sides of a CMX zone if it adjoins an RL or RNC zone on more than one side. Mr. Canavan replied yes. Mr. Hayden expressed concern about the word "or" in the amended footnote four text does not clarify that more than one adjoining side of a CMX zone would have to meet the new buffer requirements. Ms. Chesser explained the wording of footnote four language can be changed to "and/or" to clarify this.

Ms. Guazzo moved that having conducted a public hearing on proposed amendments to the St. Mary's County Comprehensive Zoning Ordinance for the purpose of implementing the Lexington Park Development District Master Plan, and finding that the proposed amendments are consistent with the Comprehensive Plan, the Planning Commission approve the amendments as set forth in the August 23, 2006 staff report and recommend to the Board of County Commissioners that they be adopted and authorize the Chair to sign a resolution to transmit this recommendation to the Board. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

Mr. Reeves explained the Planning Commission will consider the map amendments listed on the post-public hearing staff report, with the property near the Shady Mile Drive area to be reviewed first.

Property: Tax Map 34, Parcels 125 and 688; 20 acres

Tax Map 34, Parcels 122 and 104; 17 acres

Tax Map 34, Parcels 80 and 152; 2 acres

Mr. Canavan explained these properties are located along MD 235 and adjoin Shady Mile Lane. Parcels 125, 688, 80 and 152 are currently zoned Residential Mixed Use District (RMX) while Parcels 122 and 104 are currently zoned RNC. The applicant is requesting all parcels be rezoned CMX. Mr. Canavan reminded the Planning Commission the CMX zone will allow up to 20 residential units per acre if tonight's text amendment is accepted by the BOCC. Staff recommends rezoning only on Parcel 125, and only if the acreage is reconfigured to keep the CMX zone from extending too far north towards an area pond. This would be accomplished by retaining residential zoning on the northern portions of the parcel and rezoning a portion of the abutting Parcel 122 from RNC to CMX.

Richard Cavett, Next Development, explained the Ordinance recommends against split-zoning and also encourages zoning to follow the natural features of the land. He explained a CMX zone will be less intrusive on the pond environment than any residential zoning because CMX requires larger buffers and less tree removal.

Tammie Sebacher, a local resident representing the residents who live near the property, expressed concern that she could not find an advertised agenda for tonight's meeting. She explained local residents are opposed to commercial zoning for several reasons: increased traffic; increased noise, air, and light pollution; increased duplication of existing business; increased use of natural resources; loss of existing natural habitat; loss of character of area neighborhoods; and decreasing property values. She stressed residents are concerned about change in their quality of life when living too close to commercial shopping malls. Ms. Sebacher pointed out the current zoning allows for some small business developments. She stated property owner Paul Summers, along with Richard Cavett and a civil engineer met on August 7th to discuss these concerns with

residents and assured them they would address concerns prior to the decision of the Planning Commission.

Mr. Canavan explained Mr. Cavett and Mr. Summers received approval on a recent request to consolidate the properties. He clarified staff is not required to zone along the property lines of the consolidated plat. Ms. McNeill asked Mr. Cavett and Mr. Summers if they represented to the residents that their concerns will be addressed in a future meeting. She also asked Mr. Cavett and Mr. Summers if they want the rezoning decision postponed to give them time to hold such a meeting. Mr. Cavett explained they plan to work with residents to resolve community issues but they would like the rezoning request to move forward tonight.

Mr. Reeves expressed concern over allowing CMX zoning along MD 235 so close to the current residential neighborhoods, which he feels is not consistent with the Master Plan.

Mr. Thompson agreed CMX zoning is inconsistent with the surrounding area because there are many small roads and homes over 30 years old.

Ms. Guazzo also agreed and stated the existing RMX zone is a better compliment to abutting residential neighborhoods. She explained the large scale commercial developments on the opposite side of MD 235 (such as Wal-Mart, First Colony and Wildewood) were not built directly adjacent to established residential neighborhoods. She expressed concern over the increased traffic additional CMX zoning will create along MD 235.

Mr. Reeves stated the Planning Commission has four options: 1. adopt the applicant's request, 2. adopt staff's recommendation, 3. reconfigure the zoning entirely, or 4. retain the current zoning.

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that the RNC zoning on Parcels 122 and 104 of Tax Map 34, be retained; and that the RMX zoning on Parcels 80 and 152 of Tax Map 34, be retained; and that the RMX zoning on Parcels 125 and 688 of Tax Map 34 be retained. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

Mr. Canavan clarified for the members of the public present that the recommendations voted on by the Planning Commission must still be reviewed by the BOCC before a final decision is made and he advised interested parties to stay informed by watching for these rezoning recommendations on future agendas of the BOCC's Tuesday meetings.

The Chair called a 10-minute recess at 7:15 p.m.

The Chair called the meeting back to order at 7:25 p.m.

Property: Tax Map 51, Parcel 158; 82 acres

Tax Map 51, Parcel 331; 12 acres

Mr. Canavan explained the Master Plan recommends RMX zoning for Parcel 158, but the owners are requesting the current zoning of Community Commercial District (CC) be retained. The Sanner's Lake Sportsman Club, which provides firearms activities and training, is a tenant of the properties. Several club members spoke at the public hearing and several citizens submitted comments after the hearing in support of retaining the CC zoning. Mr. Canavan stated staff does not recommend changing from CC to RMX at this time because it would allow residential use too close to Sanner's Club activities.

Ms. Guazzo inquired about Map 51, Parcel 331. Mr. Jackman explained there are 12 acres of Parcel 331 zoned CC and the property owner is requesting it be rezoned to Downtown Core Mixed Use District (DMX). Mr. Canavan noted the DMX zone would allow a residential component up to 20 units per acre. He explained rezoning parcel 331 is not recommended by staff at this time but could be reconsidered in the future.

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that the CC zoning on Parcel 158 of Tax Map 51 be retained. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that the CC zoning on Parcel 331 of Tax Map 51 be retained. The motion was seconded by Mr. Thompson and passed by a 6-0- vote.

Property: Tax Map 43, Parcel 23; 84 acres

Tax Map 43, Parcel 512; 19 acres

Tax Map 43, Parcel 353; 21 acres

Mr. Jackman explained these properties are all zoned CMX and the Master Plan recommends downzoning to RL. Thomas Woodburn, property owner of Parcel 512, stated at the public hearing he would like this property to retain the CMX zoning because it is part of his trucking operation. Staff supports Mr. Woodburn's request.

Mr. Jackman explained Parcel 353 is entirely zoned CMX but the property owner, Martha Lloyd, indicated at the public hearing that she is currently marketing her property and would prefer it retain it's CMX zoning. Staff supports retaining CMX zoning at this time.

Mr. Jackman explained staff recommends downzoning the 21 acres of Parcel 23, owned by William P. and James G. Bradley, to RL. Mr. Reeves asked if the Bradleys responded to the notice that their property might be downzoned. Mr. Jackman explained they were notified of the proposed change by certified mail but did not respond. Mr. Chase asked why this parcel is being downzoned. Mr. Jackman replied this is recommended by the Master Plan because the property has a lot of environmental constraints and Parcel 23 is already split-zoned CMX and RL.

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that an RL zone be designated for the portion of Parcel 23 of Tax Map 43 currently outside the Critical Area and zoned CMX. The motion was seconded by Ms. McNeill and stalemated with a 3-3 vote, with Mr. Chase, Mr. Hayden and Mr. Thompson opposing.

Ms. Guazzo inquired of the three opposing members why they voted against downzoning the CMX portion of parcel 23. Mr. Chase expressed concern the property owners didn't respond; therefore, they must want the zoning to remain CMX. Mr. Reeves explained that no response is indication the property owners consent to the proposed downzoning. Mr. Hayden stated he feels no response creates enough doubt over what the property owners want. Mr. Canavan reminded the Planning Commission that downzoning from CMX to RL is recommended by the Master Plan based on environmental concerns, location of potential residential use in close proximity, and the lack of need for commercial uses at this location. Ms. Guazzo asked if staff can make an attempt to contact the property owners. Mr. Canavan replied staff attempted contact by sending the

notice, but staff can try to contact them again. Mr. Reeves pointed out the BOCC will receive notice that the Planning Commission failed to agree on a recommendation and it will fall to them to make a decision.

The Planning Commission failed to reach a majority decision on Parcel 23 of Tax Map 43.

Mr. Thompson moved that the Planning Commission recommend to the Board of County Commissioners that the CMX zoning on Parcel 512 of Tax Map 43 and on Parcel 353 of Tax Map 43 be retained. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

Property: Tax Map 43, Parcel 46; 108 acres

Tax Map 43, Parcel 56; 24 acres

Tax Map 43, Parcel 521; 2 acres

Mr. Jackman explained these properties are currently zoned Office Business Park District (OBP) but staff recommends Parcel 521 be rezoned RMX, Parcel 46 be rezoned RL, and Parcel 56 be split-zoned RMX and RL. All staff's recommendations are supported by the Master Plan. Mr. Jackman noted Karen Giddings, one of the property owners of Parcel 46, spoke at the public hearing and stated she had no objection to losing the OBP zoning but wanted to see the property rezoned RH.

Mr. Thompson asked why RH would not be allowed for parcel 46 when staff recommends RL. Mr. Canavan noted tonight's text amendments will increase density in the RH zone to 20 units per acre; whereas, RL density maxes at 5 units per acre, a much better fit for the area.

Mr. Thompson moved that the Planning Commission recommend to the Board of County Commissioners that an RL zone be designated for Parcel 46 of Tax Map 43; and that an RL zone be designated for a portion of Parcel 56 of Tax Map 43; and that an RMX zone be designated for Parcel 521 of Tax Map 43 and for the remainder of Parcel 56 of Tax Map 43 as illustrated by staff in the post public hearing staff report. The motion was seconded by Ms. McNeill and passed by a 6-0 vote.

Property: Tax Map 27, Parcel 18: 193 acres

Mr. Jackman explained this property is Myrtle Point Park and is currently zoned RL with a Planned Unit Development (PUD). Staff proposes revoking the PUD and retaining the underlying RL zone. Mr. Jackman stated there were no comments voiced or submitted regarding this property. Ms. Guazzo inquired about the availability of water and sewer service for the park. Mr. Canavan explained the park will remain in the LPDD; thus, extension of water and sewer will be possible if needed. He further explained Myrtle Point Park has its own approved park plan that protects public use of the property.

Mr. Thompson moved that the Planning Commission recommend to the Board of County Commissioners that the PUD be removed from Parcel 18 of Tax Map 27 and that the RL zoning for that property be retained. This motion was seconded by Mr. Hayden and passed by a 6-0 vote.

Property: Tax Map 34, Parcel 610; 3 acres

Mr. Jackman explained this property is currently zoned RMX and is located on St. Andrew's church Road in the immediate vicinity of small businesses. The applicant is requesting rezoning the property to CMX, but staff recommends the RMX zone be retained at this time.

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that the RMX zoning on Parcel 610 of Tax Map 34 be retained. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

Property: Tax Map 34, Parcel 78, Lots 502-1 and 502-2; 2 acres

Tax Map 24, Parcels 578 and 77; 1 acre

Tax Map 34, Parcel 78, Lot 1

Mr. Jackman explained these properties are all zoned RMX and all of the property owners are requesting a change to commercial zoning. Staff recommends the RMX zoning be retained.

Mr. Thompson moved that the Planning Commission recommend to the Board of County Commissioners that the RMX zoning on Parcel 78, Lots 501-1 and 502-2, of Tax Map 34 be retained; and that the RMX zoning on Parcels 578 and 77 of Tax Map 34 be retained; and that the RMX zoning on Parcel 78 Lot 1 of Tax Map 34 be retained. The motion was seconded by Mr. Hayden and passed by a 6-0 vote.

Property: Tax Map 34, Parcel 72

Mr. Jackman explained this property is located on Three Notch Road and the property owner, Margaret Smith, sent a request to staff after the public hearing to change the zone from RMX to CMX. Staff recommends the property retain the RMX zone to be consistent with the surrounding area.

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that the RMX zoning on Parcel 72 of Tax Map 34 be retained. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

Property: Tax Map 34, parcels 68 and 69

Mr. Jackman explained these two parcels are split-zoned RMX and RNC, with RMX covering the majority of the parcels. He stated Gordon Aldridge, the property owner, testified at the public hearing and requested the parcels be rezoned from RMX to CMX. Staff does not support CMX zoning for this property but they do support zoning both parcels RMX in their entirety.

Mr. Thompson moved that the Planning Commission recommend to the Board of County Commissioners that the RMX zoning on Parcels 68 and 69 of Tax Map 34 be extended so that both parcels are entirely zoned RMX. The motion was seconded by Mr. Hayden and passed by a 6-0 vote.

Mr. Canavan noted staff would like to retain RMX zoning along this entire strip of Three Notch Road and the only change staff recommends is to Parcels 68 and 69 in order to remove the split-zoning. All of the Planning Commission members indicated they agree with this goal.

Property: Tax Map 43, Parcel 377; 11 acres

Mr. Jackman explained the applicant would like this property to be included entirely in the PUD. Staff recommends restoring the PUD boundary north of Pegg Road to include all of Parcel 377.

Mr. Chase moved that the Planning Commission recommend to the Board of County Commissioners that Parcel 377 of Tax Map 43 be included in its entirety in the PUD. The motion was seconded by Ms. McNeill and passed by a 6-0 vote.

Property: Tax Map 43, Parcel 562; 16 acres

Mr. Jackman explained this property is located at the intersection of Chancellor's Run Road and Amber Drive and is currently zoned CC with a PUD-IP (Industrial Park). The applicant is requesting the PUD be removed, the 10 acres abutting the Hickory Hills residential development be rezoned RH and the remaining 5.7 acres fronting Chancellor's Run Road be rezoned CMX. The Master Plan recommends CC zoning; however, staff supports the applicant's request.

Mr. Thompson inquired about staff's reasoning to allow more commercial zoning along Chancellor's Run Road. Mr. Canavan clarified the current zoning is commercial only, but staff's recommendations will allow some residential use on the property. He also noted Amber Drive is future FDR Boulevard

Ms. Guazzo expressed concern CMX is not a good choice for Chancellor's Run Road because it will increase traffic. Mr. Canavan noted Chancellor's Run Road is a state highway and will be improved; he also noted there will be commercial traffic in the area even if the current CC zoning is retained. He explained the applicant's proposal allows residential in this area, for which there was no opportunity before. Ms. Guazzo explained she agrees with rezoning 10 acres RH, but she feels RMX zoning is a better fit for the remaining 5.7 acres.

Ms. McNeill inquired about the difference between rezoning CMX or retaining a CC zone and asked if changing from CC to CMX is downzoning. Mr. Canavan explained CC zoning is for large scale commercial development while CMX zoning allows a broader mixture of commercial development. He explained changing from CC to CMX is not downzoning but changing from CC to RMX is downzoning and any commercial uses in RMX are very limited. Ms. McNeill expressed concern the proper procedure is to allow the applicant a chance to respond before voting to rezone to something other than what was proposed. Ms. Chesser explained the applicant will receive a copy of the Planning Commission's recommendation and will have a chance to withdraw the rezoning request before it reaches the BOCC.

Mr. Thompson inquired about the length of the parcel's frontage along Chancellor's Run Road. Mr. Canavan replied the parcel includes 850 feet of road frontage and noted the property along the opposite side of Chancellor's Run is currently zoned CC. Ms. Guazzo and Mr. Thompson both expressed concern that the 10 acres of RH will allow up to 200 residential units and therefore, should not adjoin a commercial corridor. Mr. Chase noted the County wants to drive growth in the LPDD to keep it out of the rural areas, so the CMX zoning on this property would make sense.

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that the PUD-IP be dropped from Parcel 562 on Tax Map 43; and that an RH zone be designated for the 10 acres as requested; and that an RMX zone be designated for the remaining 5.7 acres. The motion was seconded by Mr. Thompson and failed by a 2-4 vote with Mr. Chase, Mr. Hayden, Ms. McNeill and Mr. Reeves opposing.

Mr. Hayden moved that the Planning Commission recommend to the Board of County Commissioners that the PUD-IP be dropped from Parcel 562 on Tax Map 43; and that an RH zone be designated for the 10 acres as requested; and that a CMX zone be designated

for the remaining 5.7 acres as requested. The motion was seconded by Mr. Chase and passed by a 4-2 vote with Ms. Guazzo and Mr. Thompson opposing.

Property: Tax Map 51, Parcels 286 and 321; 1 acre

Mr. Jackman explained this property is located on Chancellor's Run Road at Great Mills Road, is currently zoned RMX, and contains a vacant service station. The applicant is requesting rezoning to CMX or DMX. Mr. Canavan explained staff recommends CMX zoning to make the property usable; this will allow either rebuilding of the service station or installation of some other small business.

Mr. Thompson moved that the Planning Commission recommend to the Board of County Commissioners that a CMX zone be designated on Parcels 286 and 321 of Tax Map 51. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

Property: Tax Map 51, Parcel 163; 5 acres

Mr. Jackman explained this property, located on Hermanville Road, contains a 13-unit trailer park. The property owners spoke at the public hearing and requested the property be rezoned to RH, but staff recommends the RL zoning be retained.

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that the RL zoning on Parcel 163 of Tax Map 51 be retained. The motion was seconded by Mr. Hayden and passed by a 5-0 vote with Mr. Chase abstaining.

Property: Tax Map 51, Parcel A-B; 9 acres

Mr. Jackman explained this property is located on either side of Bay Ridge Road at MD 5 and is currently zoned CMX. The applicant is requesting both parcels be rezoned RH in order to build 12-unit multiple-family housing. Staff supports rezoning Parcel A to RH, but recommends the CMX zoning on Parcel B be retained. Mr. Jackman explained parcel B is located on the western side of Bay Ridge Road and is entirely covered by a storm water management pond.

Mr. Thompson moved that the Planning Commission recommend to the Board of County Commissioners that the CMX zoning for 2 acres on Parcel B of Tax Map 51 be retained and that an RH zone be designated for 6.6 acres on Parcel A of Tax Map 51. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

Property: Tax Map 51, Parcel 591; 52 acres

Tax Map 51, Parcel 319; 94 acres

Tax Map 51, Parcel 417; 9 acres

Mr. Jackman explained this property is located near PAX. He noted Parcel 591 is currently zoned OBP and Parcels 319 and 417 are currently zoned RL. Parcel 319 is also located inside the Air Installations Compatible Use Zone (AICUZ). The property owner would like to include this property in the Glazed Pine PUD and is requesting all parcels be rezoned to RH. Staff has concerns over intensifying land use so close to PAX and recommends the current zoning be retained until further study can be completed.

Ms. Guazzo expressed concerned about area drainage into Pembroke Run, a stream that runs into the St. Mary's River. Mr. Canavan explained this would be a concern regardless of how the property is zoned.

Ms. McNeill moved that the Planning Commission recommend to the Board of County Commissioners that the OBP zoning on Parcel 591 of Tax Map 51 be retained; and that the RL zoning on Parcel 319 of Tax Map 51 be retained; and that the RL zoning on Parcel 417 of Tax Map 51 be retained. The motion was seconded by Ms. Guazzo and passed by a 6-0 vote.

Property: Tax Map 51, Parcel 177; 9 acres

Mr. Jackman explained this parcel is split by the AICUZ and zoned OBP; the applicant is requesting the portion outside of the AICUZ be rezoned RH. Staff recommends the OBP be retained. Mr. Jackman explained encroachment on PAX is also a concern in this case and further study is needed.

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that the OBP zoning on Parcel 177 of Tax Map 51 be retained. The motion was seconded by Ms. McNeill and passed by a 6-0 vote.

Property: Tax Map 51, Parcel 618 C; 38 acres

Mr. Jackman explained Pparcel 618 Outparcel C is currently zoned OBP and applicant is requesting it be rezoned RH. Staff recommends the OBP be retained. Mr. Jackman explained encroachment on PAX is also a concern in this case and further study is needed

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that the OBP zoning on Outparcel C of Parcel 618 of Tax Map 51 be retained. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

Property: Tax Map 51, Parcel 2; 16 acres

Mr. Jackman explained the applicant is requesting the PUD not be restored to this property because he is proposing a development that is consistent with the current DMX zoning and will have more latitude outside the PUD. Staff supports leaving this property outside the PUD.

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that the PUD be removed from the illustrated portion of Parcel 2 on Tax Map 51 and that the underlying DMX zoning be retained. The motion was seconded by Mr. Thompson and passed by 6-0.

Property: Tax Map 52, Parcels 196 and 102; 2 acres

Mr. Jackman explained these properties are on the eastern entrance of the Glazed Pine development and are currently zoned OBP. The applicant is requesting the property be rezoned CMX, which staff supports because the property is adjacent to existing CMX-zoned property. Mr. Canavan noted any residential component on this property would be limited to 2 units per acre because it is located inside the AICUZ.

Mr. Thompson moved that the Planning Commission recommend to the Board of County Commissioners that a CMX zone be designated on Parcels 196 and 102 of Tax Map 52. The motion was seconded by Mr. Hayden and passed by a 6-0 vote.

Property: Tax Map 43, Parcels 129, 8, 178, 117, 156, 184 and 557 Lots 27-33

Tax Map 43, Parcel 273 (removed from list)

Zoning Changes to Correct Mapping Errors

Mr. Jackman explained all of the properties listed on Table 3 of the post-public hearing staff report are split-zoned RL and CMX due to mapping errors. Staff recommends correcting the zoning line for all these properties to place them entirely in the RL zone.

Mr. Thompson moved the Planning Commission recommend to the Board of County Commissioners that all changes proposed by staff for the select properties on Table 3 of the post-public hearing staff report be accepted and RL zoning be designated for the entire list as a whole, with the exception of removing Parcel 273 of Tax Map 43 from the list. The motion was seconded by Ms. McNeill and passed by a 6-0 vote.

Property: Tax Map 42, Parcels 564 and 229

Tax Maps 43 and 51, Parcel 246

Tax Map 51, Parcels 372 and 601

Tax Map 43, Parcel 377 (ruled on previously)

Mr. Jackman reviewed all of the proposed PUD boundary changes, listed on Table 4 of the post-public hearing staff report, with the Planning Commission.

Ms. Guazzo moved that the Planning Commission recommend to the Board of County Commissioners that all changes proposed by staff for the select properties on Table 4 of the post-public hearing staff report with regards to PUD boundary changes be accepted. The motion was seconded by Ms. McNeill and passed by a 6-0 vote.

The Chair called a 5-minute recess at 9:00 p.m.

The Chair called the meeting back to order at 9:05 p.m.

DEVELOPMENT REVIEWS

CCSP #06-132-015 – ENCOUNTER CHRISTIAN CENTER CHARLOTTE HALL

The applicant is requesting review and approval of a concept site plan for a 7,200 square foot church. The property contains 1.13 acres; is zoned Town Center Mixed Use District (TMX); and is located at 29946 Three Notch Road, Charlotte Hall, Maryland; Tax Map 4, Grid 4, Parcel 202.

Owner: Benjamin Burroughs, Jr.

Present: Jonathon Blasco, Mehaffey & Associates, P.C.

Mr. Bowles reviewed the staff report and explained there are no outstanding issues relative to approval of this concept site plan.

Mr. Thompson moved that having accepted the staff report, dated August 17, 2006, 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, the Planning Commission grant approval of the concept site plan. The motion was seconded by Ms. McNeill and passed by a 6-0 vote.

CCSP #06-132-024 – AIRPORT VIEW OFFICE CAMPUS

The applicant is requesting review and approval of a concept plan for an 85,930 square-foot office complex. The property contains 11.11 acres; is zoned Industrial District (I) with an Airport Environs Overlay (AE); and is located at 43865 Airport View Drive, Hollywood, Maryland; Tax Map 34, Grid 7, Parcel 548.

Owner: Southern Maryland Property Management Assoc., LLP (Dan Doherty)

Present: Jonathon Blasco, Mehaffey & Associates, P.C.

Mr. Bowles reviewed the staff report and explained there are no outstanding issues relative to approval of this concept site plan.

Ms. Guazzo asked if the office campus is being developed for use by one company or if the buildings will be sold. Mr. Blasco responded he does not believe the buildings will be sold.

Mr. Thompson moved that having accepted the staff report, dated August 17, 2006, 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, the Planning Commission grant approval of the concept site plan. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

CCSP #06-132-014 – CORNERSTONE PRESBYTERIAN CHURCH, EXPANSION

The applicant is requesting review and approval of a concept development plan for a 19,575 square foot church expansion, and to proceed with an amendment to the Comprehensive Water and Sewerage Plan (CWSP). The property contains 5 acres; is zoned Residential Neighborhood Conservation District (RNC); and is located at 23075 Town Creek Drive, California, Maryland; Tax Map 35A, Grid 0, Parcel 19.

Owner: Cornerstone Presbyterian Church

Present: Jonathon Blasco, Mehaffey & Associates, P.C.

Mr. Bowles reviewed the staff report and explained there are no outstanding issues relative to approval of this concept site plan. He noted the CWSP needs to be amended to change the water category from W-6 to W-3D in order to extend an existing water line serving properties on Gunston Drive.

Ms. Guazzo asked for clarification the property is currently hooked to public sewer. Mr. Bowles explained the property is hooked to public sewer but currently has a private well. The CWSP amendment will require them to hook to public water within 3 to 5 years.

Mr. Thompson moved that having accepted the staff report, dated August 17, 2006, and having made a finding that the objectives of Section 60.5.3 of the zoning ordinance have been met, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewerage Plan amendment to change the water and sewer categories from W-6 to W-3D, the Planning Commission grant approval of the concept site plan. The motion was seconded by Mr. Hayden and passed by a 6-0 vote.

FSUB # 04-120-044 – DAHLIA PARK OF WILDEWOOD, PHASE II

The applicant is requesting review of a standard subdivision for 75 lots, in a major subdivision. The property contains 17.5 acres; is zoned Planned Unit Development (PUD) 4.28, Residential Low-Density District (RL) with an Airport Environs Overlay (AE); and is located at Willow Creek Drive and Wildewood Parkway, California, Maryland; Tax Map 34, Grid 20, Parcel 674.

Owner: Wildewood Residential, LLC (Mike Wettengel)

Present: Shawn Day

Mr. Shire provided an overview of the staff report. He noted an error on the agenda in the number of lots, which should be 75 lots and not 76 lots. He explained this development has been before the Planning Commission during previous phases and does not require any additional approval tonight.

Ms. Guazzo inquired about wetlands regulations within the PUD. Mr. Shire explained the development must meet the state requirement of a 25-foot buffer around all wetlands and must obtain permits from the Army Corps of Engineers if any wetlands will be disturbed.

ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

Cindy R. Koestner

Recording Secretary

Approved in open session: September 11, 2006.

Stephen T. Reeves

Chairman