

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, September 12, 2005**

Members present were Larry Greenwell, Chairman; Joseph St. Clair, Vice Chair; Lawrence Chase; Julia King; Steve Reeves; and Howard Thompson. Bryan Barthelme 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; Dave Berry, Planner I; Mark Kalmus, Planning Technician; and Sharon Sharrer, Recording Secretary. Deputy County Attorney Heidi E. Dudderar was also present.

The Chair called the meeting to order at 6:33 p.m.

APPROVAL OF MINUTES – The minutes of August 22, 2005 were approved as recorded.

PUBLIC HEARING DECISIONS

**CWSP #05-132-017 – TAZELAAR PROPERTY, CWSP
Amendment**

The applicant is requesting amendment to service maps III-34 and IV-34 to change the service area category from W-6 and S-6 (service in six to ten years) to W-3D and S-3D (service in three to five years, developer financed). The property contains 6.22 acres; is zoned Residential Mixed Use District (RMX), Airport Environs Overlay (AE); and is located at Tax Map 34, Grid 16, Parcels 33 and 441.

Owner: Russell E. Tazelaar, Trustee
Agent: Billy Mehaffey, of Mehaffey and Associates

The Planning Commission conducted and closed a public hearing on August 22, 2005, leaving the record open for ten (10) days for written comments. No comments were received during the open record period.

Mr. Thompson moved that having accepted the staff report, dated August 2, 2005; 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 forward a recommendation to the Board of County Commissioners to amend service area maps III-34 and IV-34 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 Tax Map 34, Grid 16, Parcels 33 and 441; and authorized the Chairman to sign a resolution transmitting this recommendation to the Board of County Commissioners. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

CWSP #05-132-009 – VIRGINIA KNOLLS, CWSP Amendment

The applicant is requesting amendment to service maps III-34 and IV-34 to change the service area category from W-6 and S-6 (service in six to ten years) to W-3D and S-3D (service in three to five years, developer financed). The property contains 20 acres; is zoned Town Center Mixed Use District (TMX), Airport Environs Overlay (AE); and is located at 44232 Greenery Lane in Hollywood, Maryland; Tax Map 34, Grid 2, Parcel 327.

Owner: Benny Potter, Contract Purchaser
Agent: Jerry Nokleby, of Nokleby Surveying

The Planning Commission conducted and closed a public hearing on August 22, 2005, leaving the record open for ten (10) days for written comments. No additional comments were received during the open record period.

Mr. St. Clair explained that he would not participate in the discussion and decision on this case due to a possible conflict of interest, and left the room for the entire public hearing on August 22, 2005 and for the discussion and decision on September 12, 2005.

Mr. Reeves moved that having accepted the staff report, dated August 2, 2005; 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 forward a recommendation to the Board of County Commissioners to amend service area maps III-34 and IV-34 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 Tax Map 34, Grid 2, Parcel 327; and authorized the Chairman to sign a resolution transmitting this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Chase and passed by a 4-1 vote, with Mr. Thompson voting against the motion.

**ST. MARY'S COUNTY LAND PRESERVATION, PARKS AND
RECREATION PLAN JULY 2005: FROM THE JUNE 27, 2005
PUBLIC HEARING**

Mr. Jackman explained that a Public Hearing was held by the Planning Commission on June 27, 2005. Comments were received from the Maryland Department of Planning, and changes recommended by the State were incorporated into the Draft. The revised Draft was submitted to the Planning Commission in July 2005.

Mr. St. Clair moved that having held a public hearing; and having received comments during the open record period; and having revised the draft plan to incorporate the comments and to be published as the July 2005 draft LPPRP; and finding that the LPPRP as modified is consistent with the Comprehensive Plan and promotes the public health, safety, and welfare through preservation and promotion of recreation and parks, agricultural land and natural resources; the Planning Commission forward a recommendation to the Board of County Commissioners for adoption and for incorporation by reference into the Comprehensive Plan; and authorized the Chairman to sign a resolution transmitting this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

DEVELOPMENT REVIEW

SSUB #05-120-012 – AVONLEA SUBDIVISION, Section 2, Phase 3

The applicant is requesting preliminary review of 17-lots in a major subdivision. The property contains 51.78 acres; is zoned Rural Preservation District (RPD); and is located on the south side of Guy Family Drive, approximately 1,400 feet east of Mechanicsville Road; Tax Map 9, Grid 19, Parcel 127.

Owner: William E. & Margaret A. Guy
Agent: Bill Higgs, of Little Silences Rest, Inc.

Mr. Shire explained that this is the third and final phase of this 44-lot subdivision. The project will return to the Planning Commission for final subdivision approval.

Mr. Thompson moved that having accepted the staff report, dated September 1, 2005; and having made a finding of adequate facilities, except for stormwater management, as noted on the checklist in the file; and having made a finding that the referenced project must meet all TEC agency requirements and return to the Planning Commission for final approval; the Planning Commission grant preliminary subdivision plan approval, as requested. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

CCSP #05-132-041 – ESSEX WOODS TOWNHOUSES, Phase 3

The applicant is requesting concept review and approval of Phase 3, 110- townhouse lots. The property contains 132.07 acres in the parent tract, with 33.37 acres in Phase 3; is zoned Residential Low Density District (RL); and is located at the end of Essex Drive South; Tax Map 51, Grid 10, Parcel 8.

Owner: Forest Hall, LLC
Agent: Jerry Nokleby, of Nokleby Surveying, Inc.

Ms. King asked the property owners if they had contacted the group who had created a Management Plan for Hilton Run, as she had suggested during the public hearing for the development. She explained that this group gets into a longer term relationship with the property, long after the developers are gone, so that residents will understand that they are living in the Hilton Run Watershed. She asked the Planning Commission members to consider stipulating in the motion that contact be made with this group.

Ms. King moved that having accepted the staff report, dated September 1, 2005; 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 as a prerequisite for final site plan approval; the Planning Commission grant concept site plan approval, with the condition that the Applicant contact the St. Mary’s River Watershed Association for discussion. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

PSUB #04-120-015 – GRANDVIEW HAVEN SUBDIVISION, Phase 1

The applicant is requesting reconsideration and approval of the preliminary plan for Phase 1, 111-lots in a major subdivision. The property contains 335.23 acres; is zoned Rural Preservation District (RPD); and is located on the west side of Morganza Turner Road, 3,600 feet north of its intersection with MD Route 5; Tax Map 12, Grid 23, Parcel 35.

Owner: Dean & Jo Ann Beck
Agent: Randy Barrett, of R. A. Barrett & Associates

Mr. Shire explained that the developer and his agents have met with residents of the neighborhood, and also with staff. Changes have been made to the plans, incorporating some of the neighbors’ suggestion into the plan. The MetCom water parcel has been moved to an interior parcel so it is not as visible to the road, and buffers have been added to buffer the lots from both Morganza Turner Road and MD Route 5.

Mr. Beck provided a brief overview of the purchase and plans for this property. He explained that he met with concerned neighbors on two different occasions since the request for preliminary approval was heard by the Planning Commission. Mr. Beck explained that the one remaining key point of contention was the density of the development. He said that the Zoning Ordinance is clear with regard to allowable density in the Rural Preservation District.

Andrew Dowdell, a resident of Morganza, explained that he feels the design for the subdivision is much better than the one shown at the last Planning Commission hearing for this subdivision. He expressed a continued concern that putting so many houses in this area will damage the rural nature of the neighborhood. Mr. Dowdell asked the Planning Commission to protect and preserve the natural, historic, and rural environment in his community.

Mr. Dowdell read a letter from Billy Johnson, a resident of Colton Point Road who was unable to attend the Planning Commission meeting due to another commitment. The letter expressed continuing concern with the traffic and overcrowded schools in the area. Mr. Johnson's letter explained that he does not feel that the plans for this subdivision are not in keeping with the spirit and intent of the Zoning Ordinance for rural preservation, and requested that the density be reduced to 1 house per 5 acres. A request was made that the Planning Commission defer their decision on this proposal until after the new data on school enrollment is issued on September 30, 2005.

Tim Gatton, another Morganza resident, commended the developer for many of the changes put into place. He expressed continued concern with the dangerous intersection, and with the impact that such a large development could have on the number of accidents in the area.

Lynn Brady, an employee of the developer, provided the Planning Commission members with statistical information on the number of calls reported to the Emergency Communications System (911) from the intersection of Point Lookout Road and Morganza Turner Road.

Jo Ann Beck, one of the property owners for the Grandview Haven Subdivision, asked the Planning Commission to uphold the Comprehensive Zoning Ordinance for all property owners of St. Mary's County. She expressed a concern that St. Mary's County can not be developed responsibly unless the Zoning Ordinance is followed for growth in the County.

Mr. St. Clair moved that having accepted the staff report, dated September 2, 2005; 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 in the file; and in order to address the traffic safety concerns and projected delays at the MD Route 5 and MD Route 242

intersection, build the connecting road from Phase I through Phase II, before the issuance of the 50th building permit in Phase I; the Planning Commission grant preliminary subdivision plan approval, as requested. The motion was seconded by Mr. Chase and passed by a 4-2 vote, with Ms. King and Mr. Thompson opposing.

DISCUSSION

BRIEFING OF THE TRANSPORTATION PLAN AMENDMENT TO THE COMPREHENSIVE PLAN

Present: John Groeger, Deputy Director, DPW&T
 Matt Wolniak, Vice President, Johnson, Mirmiran &
 Thompson (JMT)

Mr. Groeger and Mr. Wolniak made a brief presentation of the Draft Transportation Plan, explaining that the draft plan had been presented to the County Commissioners in April 2005. Mr. Groeger explained that the draft plan is available to anyone on the County's website. Comments on the draft plan are currently being requested from the Planning Commission, other County agencies, Maryland Department of Planning, adjoining counties, Patuxent River Navy Base, Tri-County Council, and the Town of Leonardtown. Commission members pointed out some errors in the draft, and were told that corrections would be made.

Mr. St. Clair moved that in anticipation of the August 2005 Draft St. Mary's County Transportation Plan being formally adopted and incorporated by reference into the St. Mary's County Comprehensive Plan (Quality of Life in St. Mary's County – A Strategy for the 21st Century), and to comply with the requirements of Section 3.07 of Article 66 B of the Maryland Annotated Code, a public hearing on the draft plan and on amending the Comprehensive Plan be set for November 28, 2005, during a regular meeting of the Planning Commission; and directed staff to provide copies of the Plan amendment to all adjoining planning jurisdictions and to all State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the Plan. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

GENERAL DISCUSSION

Commission members questioned the timetable for the proposed text amendment for the TDR program, and when it would be scheduled on their agenda. Mr. Canavan explained that he is preparing this text amendment for a first reading with the Board of County Commissioners, as is required by the Text Amendment Policy adopted in April 2005. He said that he anticipates the County Commissioners will direct him to take the proposal to the Planning Commission

for their recommendation. He explained that the County Commissioners are looking for this text amendment to move forward this fall.

Planning Commission members made a request that the phasing of subdivisions be placed on their agenda for discussion at a meeting in the near future.

ADJOURNMENT

The meeting was adjourned at 9:06 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session:
September 26, 2005

Larry Greenwell
Chairman