

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
CHESEAPEAKE BUILDING
Tuesday, September 9, 2008**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)
Jada Stuckert, Sr. Administrative Coordinator (Public Hearing Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:00 am.

CHANGES TO AGENDA

The Dept. of Land Use and Growth Management main agenda item scheduled for 1:30 PM was removed. Commissioners Time was rescheduled to just before lunch.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated September 9, 2008, as presented. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of September 9, 2008, as submitted. Motion carried 5-0.

PROCLAMATIONS

Proclamations were presented to:

Robert Wilcoxon and Thomas Dennee, Chairman, Forget Me Not Committee and Past Commander, St. Marys County Disabled American Veterans Chapter #26, recognizing the month of September 2008 as **Forget-Me-Not** month.

Dave Zylak, Michelle Lilly, Jaclyn Shaw, and Tom Mattingly Jr., Dept. of Public Safety, recognizing September 2008 as **National Emergency Preparedness** month.

Dr. Kathleen OBrien, Exec. Dir., Walden/Sierra, Dr. William Icenhower, Health Officer, and Charles Wood, Walden/Sierra, recognizing September 2008 as **Alcohol and Drug Addiction Recovery** month.

COUNTY ADMINISTRATOR

1. Draft Agenda for Sept. 16 and 23, 2008
2. **Walden/Sierra Inc.** (*Kathleen OBrien, Ph.D., Executive Director*)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the Transmittal Page and grant funding projection form, thereby allowing submittal of the renewal application, for \$11,000 in federal funds remaining as a pass-through, for sexual assault prevention and awareness services. Motion carried 5-0.

3. **Community Health Advisory Committee** (*Dolores Martin, Chairperson; Dr. William Icenhower, Health Officer, St. Marys County Health Dept.; Roy Fedders, Recording Secretary*)

Ms. Martin reviewed the proposed revision to the Community Health Advisory Committee Bylaws, dated March 11, 2008.

Discussion:

Make up of the committee all but two are ex officio. It was clarified with membership at no more than 20, citizens can apply and up to eight can be committee members.

Page 2 of 6, Article III, Section 2 The Board of Health approves committee membership. As written, the Committee can remove committee members. Removal recommendation(s) should go to the Board of Health since they approve the appointment.

Page 3 of 6, Article III, Section 2 *There is a maximum appointment of two full terms unless there is no qualified candidate to replace the appointee*, should be replaced with language such as until a qualified candidate for replacement is nominated. Christy Chesser stated that for the majority of committees, members can serve two three-year terms (with no additional or extended time).

Page 3 of 6, Article III, Section 3 (annual report to the BOCC) can be removed. Article X addresses reporting requirements, which states the committee shall submit annually to the Board of Health of St. Marys County a report on the activities of the committee (the BOCC sits as the Board of Health).

The Board concurred that the discussed changes should be amended to the proposed revision and the document brought back to the next BOCC meeting for action.

4. **County Administrator** (*John Savich*)

Commissioner Dement moved, seconded by Commissioner Raley, to direct staff to prepare the documents for the Ridge Volunteer Fire Departments loan request in the amount of \$433,765 for the replacement of a pumper/tanker and to authorize Commissioner President Russell to sign those documents after they are prepared by staff. Motion carried 5-0.

5. **Dept. of Recreation and Parks** (*Phil Rollins, Director*)

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to sign the budget amendment that will increase the Derelict Boat and Debris Removal grant project #PL0801 by \$10,000, aligning the project budget with the actual grant award. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the budget amendment that will decrease the Portable Toilet/Trash Removal grant project MD0907 by \$7,025, aligning the project budget with the actual grant award. Motion carried 5-0.

6. **Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize and sign the consent letter to the Army Corps of Engineers accepting the change in financial obligation to meet the contract award for construction of the North Patuxent Beach Road Shoreline Improvement Project. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the budget amendment, realigning project funding in support of the construction contract award. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the Public Works Agreement for Continued Maintenance and Repair for the Heritage Manor Subdivision, located in the 1st Election District, with an Expiration Date of May 1, 2009, and to sign Resolutions to adopt Heritage Hill Lane and Heritage Court into the County Maintenance System, and to post stop and speed limit signage. Motion carried 4-0, 1 absent (Mattingly).

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and

authorize the Commissioner President to sign the Public Works Agreement Addendum for Orchard Park of Wildewood Subdivision, Section 1, located in the 8th Election District, with an Expiration Date of July 1, 2009. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Public Works Agreement Addendum for Hunting Creek Subdivision, Section 2, located in the 8th Election District, with an Expiration Date of July 1, 2009. Motion carried 5-0.

7. St. Marys County Public Schools (*Dr. Michael Martirano, Superintendent of Schools; Dan Carney, CFO*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the FY09 categorical request for increase in State Revenue, and the FTE staffing transfers/revisions to the FY09 General Fund budget as submitted on the attachment which was approved by the Board of Education on August 27, 2008. Motion carried 5-0.

A letter of consent was signed by the BOCC evidencing this action.

DEPT. OF PUBLIC SAFETY: REQUEST AUTHORIZATION TO HOLD PUBLIC HEARING ON AMENDMENTS TO THE ANIMAL CONTROL REGULATIONS

Present: Dave Zylak, Director
Tony Malaspina, Animal Control Supervisor
Michelle Lilly, Emergency Management Div.

The current Animal Control Regulations version has been in effect since April 2001. In September, 2007, a committee assigned to the task of revising the regulations was formed. The members were comprised of individuals that have a vested interest in animal welfare and citizen protection.

The following members were represented in all four of the committee meetings:

Trish Cole, St. Marys Animal Welfare League (SMAWL)
Irma Delozier, Animal Relief Fund (ARF)
Kim Engman, St. Marys County Health Department
Dr. Rania Lisas, Tidewater Veterinary Hospital
Tony Malaspina, Animal Control Supervisor
Sgt. Eric Sweeney, St. Marys County Sheriffs Office
Judi Estevez, County Lakes Home Owners Association
David D. Zylak, Department of Public Safety

Mr. Zylak conducted a walk-through of the regulations changes. One of the most significant changes is the elimination of the licensing requirement. Last year, approximately 1,200 licenses were sold to dog owners. The County revenue is approximately \$3,000 per year for selling the licenses. However, the tags and the receipt pads must be purchased out of that profit to give to the dog owners for proof of licensing. The presenters also called attention to vaccination, animal

cruelty, and public nuisance language as it is addressed in the revision. There was also some discussion about the role of Animal Control in relation to the permit process (in relation to kennels).

There are an estimated 90,000 pets currently in St. Marys County.

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize staff to schedule a public hearing on proposed amendments to the Animal Control Regulations for St. Marys County, Maryland. Motion carried 5-0.

The public hearing was scheduled for **September 30, 2008, at 6:30 PM**, to be held in the Commissioners Meeting Room, in the Chesapeake Building at the Governmental Center.

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT:
DECISION ON PROPOSED AMENDMENT TO ORDINANCE 2004-09,
WAIVER OR DEFERRAL OF THE BUILDING IMPACT FEES OUTLINED IN
CHAPTER 223 OF THE CODE OF PUBLIC LOCAL LAWS OF ST. MARYS
COUNTY**

Present: Bob Schaller, Director
Hans Welch, Business Development Mgr.

The BOCC Public Hearing was held on August 19, 2008. Comments were received during the ten-day open record period. Staff recommended no changes and that the ordinance be adopted as originally submitted and presented at the public hearing.

The ordinance allows the Board of County Commissioners to:

Waive the impact fee up to 60 new units (*previously 30 new units*).

Defer the impact fee up to 70 new units (*previously 50 new units*).

Waive or defer the impact fee for new units that are deemed to be affordable for individual whose family income in the previous fiscal year was less than 60 percent of the County median family income (*previously 50 percent*).

In support of State legislation, the requirement was deleted that the amount building impact fees waived or deferred were capped. The sunset clause was also lifted. There is no time limit on the Impact Fee Waiver / Deferral program.

Mr. Schaller said five (applications) have been in process awaiting the Ordinance amendment. It was noted during the presentation that every case will come before the Board of County Commissioners. Also, it was noted during the presentation that waivers pertains to homeowners and deferrals refer to rentals.

Commissioner Jarboe recommended, for future consideration, fees being prorated and according to the size of the home.

Christy Chesser, County Attorney, interjected that the motion should include establishing the Effective Date of September 23, 2008, allowing time to publicize and record the Ordinance.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to adopt and sign the Ordinance amending Ordinance 2004-09, Waiver or Deferral of the Building Impact Fees outlined in Chapter 223 of the Code of Public Laws of St. Marys County, Maryland, with an Effective Date of September 23, 2008. Motion carried 4-1, Commissioner Raley voted no.

Commissioner Raley voiced concern regarding the waiver and deferral cap increases (30 to 60 and 50 to 70 respectively) and expressed his support for the legislation with the exception of the cap increases.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT:

1. INTRODUCTION OF ZONING TEXT AMENDMENT TO ALLOW WAREHOUSE STORAGE (USE #78) AND PERSONAL STORAGE (USE #64) AS PERMITTED USES IN THE OFFICE BUSINESS PARK (OBP) ZONE

Present: Denis Canavan, Director
Phil Shire, Deputy Director

Mr. Shire reviewed the background and justification specifics, noting that absence of warehousing as an allowed use in the OBP zone is counter to the comprehensive plan objective which specifies the use. Chapter 5 Economic Development Element of the Comprehensive Plan, Section 5.1.1.A.iii states: Provide sufficient land in business parks zoned for offices, labs, warehouses, production facilities and labor force to meet defense business demand and provide adequate infrastructure and facilities able to support non-defense business growth.

In the Lexington Park Development District, a significant portion of the OBP zone is covered by the AICUZ/APZ overlay zone. Due to the low occupancy characteristics of warehouse and storage services, the Department of the Navy AICUZ compatible use guideline lists these uses as compatible with no restrictions in the APZ; i.e., both uses would be ideal in those areas that restrict concentrated occupancy.

However, the text amendment applies to all OBP zoned properties, not just Lexington Park. There are four OBP areas in St. Marys County. An example provided by Mr. Shire was the Griffin Carpet business, located in Leonardtown, which is both a salesroom and warehouse storage building.

Commissioner Mattingly voiced concern about warehouse architecture fitting into an OBP (such as retail businesses that store merchandise in separate warehouses) and

traffic, specifically heavy truck traffic. Mr. Canavan responded that the warehouse low traffic to employee ratio should mix well.

Commissioner Jarboe moved, seconded by Commissioner Raley, to accept the amendments as proposed to provide for personal and warehouse storage as permitted uses in the Office Business Park Zone for a first reading, waive the 30-day comment period and second reading required by Resolution 2005-03, and direct that the Planning Commission proceed with a public hearing and prepare a recommendation for the Board relating to the proposed amendments. Motion carried 5-0.

2. AUTHORIZATION TO PREPARE A ZONING TEXT AMENDMENT TO ALLOW A WINERY IN THE RESIDENTIAL LOW DENSITY RL ZONE.

Present: Denis Canavan, Director, LU&GM
Bob Schaller, Director, DECD

The Zoning Ordinance for St. Marys County does not allow a winery as an allowable use in any of the current zones. A winery is a combination of activities including: the growing of grapes in a vineyard, the manufacturing/processing of grapes (grown on or off the property) into wine, the bottling of the product, and the allowance for on-site and off-site sales of the wine and accessory merchandise. While the growing of grapes is allowed, the full extent of processing and selling is not allowed in the same zone. A winery may also be used as a location to host events, such as wine tasting and wedding receptions.

Additionally, there are associated agriculture (alternate crop) and tourism benefits. These benefits are why the County is a key supporter of the Port of Leonardtown Winery project. This project is covered under the Town of Leonardtown ordinances.

Discussion topics:

- Conditional use (leverage controls)
- Operational characteristics (size, number of acres)
- Location (should a winery be permitted fringing a development district, RPD seems like a logical area). Commercial and industrial areas seem more logical than residential (concern for density).

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to instruct staff to move forward with a recommendation for the inclusion of a Use category for wineries within in the Zoning Ordinance. Motion carried 5-0.

Commissioner Mattingly clarified the motion authorizes staff to move forward with broad (zoning) consideration. The draft text amendment will come back to the BOCC before it is presented to the Planning Commission.

3. INTRODUCTION OF ZONING TEXT AMENDMENT TO ALLOW DIGITAL SIGNAGE

Present: Denis Canavan, Director

Section 65.3.6 of the Ordinance pertaining to illumination and movement in signs prohibits any movement or apparent movement of or in a sign or change in intensity of illumination of a sign, except time and temperature. Consequently, digital or electronic message signs are prohibited. Mr. Canavan clarified the digital sign in Wildewood is part of the PUD (Planned Unit Development). Public information signs, such as State Highway Administration (SHA), Department of Public Works and Transportation (DWP&T), and Leonardtown High School informational signs are exempt.

Staff has had many inquiries from customers asking whether or not St. Marys County allows digital signs or electronic changeable copy signs and electronic message boards as they are sometimes described.

The advantage to the digital sign owner is that the owner can advertise multiple businesses, manage and log the messages, control the graphics and animation, font type, and brightness of the signage, and set the sequence of message, all from his or her home or office computer. Additionally, the owner can instantly preview, edit, schedule, and update messages. For the County, the use of digital signage can reduce the number of freestanding signs around the County because one digital sign can accommodate multiple businesses and convey multiple messages. Mr. Canavan stressed the importance of control and that the amendment is for freestanding signs, advertising only the merchants in that facility.

Mr. Canavan reviewed the recommended changes. Staff recommends amending Section 65.3.6 of the Ordinance, which prohibits any movement or apparent movement of or in a sign or change in intensity of illumination of a sign, except time and temperature, to allow digital signs in accordance with Section 65.3 of the Ordinance. All other signs must comply with Section 65.3.6. Staff also recommends amending the Ordinance to allow digital signs where the Ordinance currently allows freestanding signs in accordance with Section 65.3, Regulations for On-Premise Signs, and Schedule 65.3, Maximum Sign Area by Districts and Sign Type. Additionally, staff proposes the following standards and regulations for digital signs. The purpose of these regulations is to serve businesses who want to take advantage of the opportunities that electronic advertising offers while minimizing the adverse impact to aesthetic appearance.

Changes: Chapter 65, Signs

In Section 65.3.6, Illumination and Movement, page 65-9; amend paragraph b to make an exception for digital signs as follows:

No movement or apparent movement of or in a sign or change in intensity of illumination of a sign shall be permitted, except as provided in Section 65.3 pertaining to digital signs, and except for a time or temperature sign consistent with other regulations of this chapter that include no changeable text.

In Section 65.3, Regulations for On-Premise Signs, amend Section 65.3.4, Freestanding Signs to add a new paragraph i Digital Signs to read as follows:

- i. One freestanding, on-premise digital sign may be permitted in the Development Districts, Village Centers, and Town Centers only in accordance with the following standards:
 - (1) The digital message(s) shall be related to the on-premise business or businesses.
 - (2) The message shall be on a cycle of not less than five seconds.
 - (3) A digital sign shall not exceed 50 percent of the allowable sign face and in no case shall exceed 32 square feet of sign face.
 - (4) The digital message(s) shall scroll (vertical movement) or travel (horizontal movement).
 - (5) Animation and sound shall be prohibited.
 - (6) Lights that change intermittently or in intensity of illumination shall be prohibited.
 - (7) Section 65.3.1.c pertaining to the Highway-Oriented Sign Bonus shall not apply to digital signs

In Section 65.3.1.c, *Highway-Oriented Sign Bonus*, amend the language to exclude digital signs as follows:

The total maximum sign area for freestanding signs, excluding digital signs as defined in Section 65.3.4.i, that are visible from a state highway with a posted speed limit of 50 miles per hour or more may be increased up to 172 square feet, and the maximum height to 20 feet.

In Schedule 65.3, Maximum Sign Area by Districts and Sign Type, on page 65-5, amend column 3, Square footage and Number Allowed, to provide a reference to digital signs in the descriptions applying to freestanding signs as follows:

Amend row 1 in column 3 pertaining to a freestanding sign to read: 32 sq. ft. of signage, with a maximum of one freestanding sign per site, except as noted otherwise in Section 65.3.4.i.

Amend row 4 in column 3 pertaining to a freestanding sign to read: 64 sq. ft. with a maximum of one sign per lot, except as noted otherwise in Section 65.3.4.i. Greater sign area is allowed along state highways (see subsection c. below)

Discussion ensued regarding the comprehensive plan and that the entire chapter needs to be reviewed; e.g., campaign signs and real estate signs, and the potential number of legal issues. The cost for a digital sign (\$50k to \$60k) could be cost-prohibited for small businesses.

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize staff to prepare a text amendment to allow digital signage and proceed to the Planning Commission for their review and recommendation. Motion carried 3-2. Commissioners Jarboe and Raley voted no.

Commissioner Jarboe commented that the Comprehensive Plan review should be priority, followed by this. Commissioner Raley added concern about the addition competition this places on smaller business owners.

COMMISSIONERS TIME

The Commissioners highlighted upcoming events, events attended over the past week and personal interest items.

Commissioner Jarboe requested background and legal information from Denis Canavan regarding the Country Lakes PUD.

RECESS

The Board recessed at 12:30 PM.

PUBLIC HEARING: REZONING FOR ST. MARYS CROSSING PROPOSED PLANNED UNIT DEVELOPMENT (PUD) AND DEVELOPERS RIGHTS AND RESPONSIBILITIES AGREEMENT (DRARA)

The public hearing commenced at 5:00 pm and was held in the meeting room of the Chesapeake Building.

This portion of the minutes taken by Jada Stuckert.

All Commissioners were present. LUGM staff present was Denis Canavan, Director; Phil Shire, Deputy Director; Jeff Jackman, Senior Planner; Bob Bowles, Planner IV; and Jada Stuckert, Recording Secretary. County Attorney Christy Holt-Chesser and Deputy County Attorney David Weiskopf were also present, as was Brad Clements, Public Schools Chief Operating Officer and John Groeger, Department of Public Works and Transportation Deputy Director.

PLANNED UNIT DEVELOPMENT #06-145-004, St. Marys Crossing PUD

Legal Description

(Zoning Ordinance 02-01) (Subdivision Ordinance # 02-02)

Owner: St. Marys Crossing, LLC Agent: NG&O Engineering, Inc.

Location: West side of St. Andrews Church Rd, approximately 2,400 north of Indian Bridge Rd.

TM-42 GRID-08 PAR-196 ED-8 TAX ID 8094322, PAR-128 ED-8 TAX ID 8026793, PAR-024 ED-8 TAX ID 8026610 & PAR-101 ED-8 TAX ID 8055602

Zoning: RL, AE Acreage: 249.48

ACTION REQUESTED: Review and recommendation of rezoning of the land for creation of a Planned Unit Development, Residential, and (PUD-R) Floating Zone. This public hearing has been duly advertised in *The Enterprise*, a newspaper of general circulation in St. Marys County, on August 22 and August 29, 2008.

Mr. John Norris III gave an overview of the Planned Unit Development (PUD) and submitted the following exhibits for the record.

1. AP-1 St. Marys Crossing, A Planned residential Community Development Plan Revised October 26, 2007
2. AP-2 Appendix A, Architectural and Engineering Illustrative Concepts

Mr. John Norris Jr. gave an overview of the location of the property, and topography utilizing display image EF-1. Commissioner Raley asked if the pond was man made or natural. Mr. Norris stated the pond is man made and has been in existence for over 40 years.

Mr. Norris gave an overview of the buffer, setbacks utilizing display image BP-1; aerial photography utilizing display image AP-1-4 showing the area to be developed versus the amount of open space; and providing water and sewer utilities to the site utilizing display image UP-1. Commissioner Raley asked if this development would be utilizing the Patapsco aquifer. Mr. Norris stated yes. Commissioner Mattingly asked if there were plans to tie in with Wildewood and if the elevation was set. Mr. Norris stated they are working with the Metropolitan Commission (METCOM) on this issue. Commissioner Raley read the County Commissioners motion as follows, GET MOTION. Commissioner Raley stated he sees no mention of this motion or the conditions it implies within the plan and asked if the sewer will satisfy the motion. Mr. Norris stated yes it will satisfy the motion. Commissioner Raley stated he would like to see this in writing within the plan. Mr. Norris III stated this request can be accommodated.

Mr. Norris Jr. gave an overview of the road standards utilizing display image RS-1 and of the county standards classifications utilizing display image RS-4. Mr. Norris explained the location of the roads utilizing display image C-1. Commissioner Mattingly asked about the turning radius of the roads stating they need to be adequate for emergency vehicles to service all the homes if necessary. Mr. Norris stated the public roads will be built to County standards and the private roads will be subject to Land Use & Growth Managements (LUGM) review. Commissioner Mattingly stated some of the private roads

today are very hard for emergency vehicles to pass through when there are cars parked on the sides of the road and suggested no parking signs be posted on the sides of the private roads to ensure access for emergency vehicles. Commissioner President Russell asked who will maintain the roads. Mr. Norris stated the private roads will be maintained by the homeowners association and the public roads will be maintained by the County.

Mr. Norris utilized display image RS-3 to explain the originally proposed round-about on MD Route 4 and stated this has since been removed from the plan. Mr. Norris utilized display image RS-6 to explain the dam to be located within the project and utilized display image CP-1 to show the phasing plan of the development.

Mr. David Nelson gave an overview of the traffic study. Commissioner Raley asked after the first 350 units are built what type of improvements will be made to the intersection. Mr. Nelson stated with road will be widened, separate through lanes, decal lanes, and a right hand turn lane will all be installed with the first 350 units. Commissioner President Russell asked about road access. Mr. Nelson stated main access will be though Hunt Club Road. Commissioner Mattingly asked if the State Highway Administration (SHA) was okay with nor having a west bound decel lane. Mr. Nelson stated SHA has not approved this at this time. Commissioner Mattingly stated he is concerned with not having a west bound decel lane into St. Andrews Lane which could cause more rear end collisions. Mr. Nelson stated ultimately a traffic light in this location would be ideal however getting this passed through SHA could take time. Commissioner Mattingly asked if the State would install the light or the owner. Mr. Norris III stated the owner would be responsible for installing the light.

Commissioner Raley asked what improvements would be made for the next phase of the development and how many phases are in the development. Mr. Norris III stated a round-about would be considered for the second phase and there are a total of seven phases which could take up to 10 years to fully complete.

Commissioner Mattingly asked if any of the improvements would affect the grade by the Church. Mr. Norris Jr. stated they would not. Commissioner Mattingly asked if the fee-in-lieu is the solution to getting the light in place. Mr. Nelson stated the owner will have already paid the fee-in-lieu.

Commissioner Raley questioned appendix J of the PUD concerning the queuing requirements. Mr. Nelson stated there would be a stacking lane. Commissioner Raley asked if the intent was to complete the traffic upgrades piecemeal or all at one time. Mr. Nelson stated the traffic mitigation will be done in phases. Commissioner Raley questioned paged 31-32 stating it is evident Route 4 will need to be expanded as development occurs but the PUD doesnt acknowledge the impact this large development will have. Mr. Nelson stated the developer will be expanding the road as well as paying mitigation fees for each home built.

Mr. Dan Ball gave an overview of the architecture of each series of housing including the manor, founder, villa, discovery, and heritage series. Commissioner Mattingly asked if

each series would be available for persons with disabilities. Mr. Ball stated the heritage series which is the multi-family units would have elevators accessible for person with disabilities. Commissioner Raley stated the PUD plan states the community center may have a pool, tennis courts etc, but does not say shall. Mr. Norris stated the community center amenities can be solidified later when the developer knows what is needed. Commissioner Mattingly stated it is important to provide the handicapped with the opportunity to own their own unit no matter what the series. Mr. Norris stated the units could be modified.

Commissioner Raley questioned appendix O of the PUD stating there is no mention of TDRs being utilized. Mr. Norris stated no TDRs are being proposed. Commissioner Raley asked if TDRs would be required for a subdivision of this size in the RL zone and if so how many. Mr. Bowles stated approximately 250 TDRs would be required for a regular subdivision.

Mr. Norris Jr. clarified the secondary access points. Commissioner Raley stated for a development this size a secondary access road is necessary and asked what the intention of the road is. Mr. Norris Jr. stated the road would be upgraded to county standards but would remain a private road. Commissioner Dement asked if the owners of the road are in agreement with these terms. Mr. Norris III stated no. Commissioner Raley asked if this were a residential subdivision with the same density if it would require a second access road. Mr. Bowles stated two access points would be required after the first 76 units. Mr. Norris stated the developer would be maintaining access through Hunt Club road as well as a 60 foot right-of-way.

Commissioner Raley stated this development is within close proximity to the County Landfill and asked how close. Mr. Norris stated dwellings would be at least 400 feet away from the Landfills boundary line. Commissioner Raley asked about a stormwater management facility. Mr. Norris stated the developer will abide by the most current stormwater management laws.

Commissioner Raley stated tab 21 of the PUD states the provision for an extension can be granted by the Planning Director and stated he would rather the extension come from the Planning Commission or the Board of County Commissioners instead. Commissioner Raley questioned page 28 of the PUD where it references sideyards be set at 0 feet. Mr. Norris stated the bay window on the villa series where the garage is attached requires a 0 foot sideyard. Commissioner Raley asked if the units would have a common firewall. Mr. Norris stated they would.

Commissioner Raley asked which units would be available for workforce housing. Mr. Norris stated each series except for the manor series would be considered workforce housing. Commissioner Raley questioned tab L which states no recreational vehicles or boats may be parked within the PUD. Mr. Norris stated recreational vehicles and boats will not be allowed to be parked in any part of the development.

Commissioner President Russell opened the public hearing for comments as follows:

Michael Barnes

Mr. Barnes stated he is one of the owners of the secondary access road and that the developer has no right to up grade the road. Mr. Barnes stated he would not sign the maintenance agreement. Mr. Barnes stated the developer did not offer him \$250,000 for the purchase of the right-of-way as the developer claims. Mr. Barnes stated policing and liability is a concern if the right-of-way stays private.

Andy OYeh

Mr. OYeh agreed with Mr. Barnes comments and stated he is concerned with the liability as well.

Mary Ruth-Horton

Ms. Horton submitted a petition dated July 9, 2007 for the record stating there is a necessity for a stop light at St. Andrews Lane and that school safety is a concern. Ms. Horton stated the development, if approved, needs a second viable entrance. Ms. Horton stated she is also concerned with the water table, sewerage, and environmental issues.

Eileen Heislop

Ms. Heislop stated traffic is the major concern with this development. Ms. Heislop stated the bushes around Indian Bridge Road are also a concern and need to be trimmed for better sight distance.

Donald Selramm

Mr. Selramm stated the Episcopal Church is always holding community events and is concerned with the traffic. Mr. Selramm stated this development should not be considered until Route 4 has four full lanes because the developers mitigation will not help.

Al Jones

Mr. Jones stated safety on the roads are a big issue and he believes the neighboring citizens and the State Highway Administration are looking at the same road but seeing it in different lights. Mr. Jones stated a traffic light is the only answer at this time for this development.

Mary Broadhurst

Ms. Broadhurst submitted a packet of environmental information for the record. Ms. Broadhurst stated her environmental concerns including protecting the narrow-mouth toad. Mr. Broadhurst stated the PUD calls for waling paths around the pond which will be detrimental to the pond. Mr. Broadhurst asked that the Commissioners consider the long term effects of this development.

Commissioner Raley asked if a new traffic study would be submitted for each phase of the development. Mr. Canavan stated the Commissioners could place this as a condition of approval. Commissioner Mattingly asked if Bellwood Lane was studied to be the primary access for St. Andrews Estates. Mr. Norris stated this was studies however the

developer owns no land here. Commissioner Mattingly stated you would just be creating a wider strip, not really improving Bellwood. Mr. Norris stated without closing St. Andrews Lane you will always have traffic there. Commissioner Mattingly stated you wont see a light at this intersection until the school is put in place therefore we should be planning now for the extra traffic.

Commissioner President Russell closed the public hearing. Mr. Bowles gave the staff report and reviewed the 22 conditions the Planning Commission recommended in their resolution. Commissioner Raley asked if SHA is requiring a round-about. Mr. Canavan stated SHA believes a round-about is needed in the place of a traffic signal. Commissioner Mattingly stated a traffic signal would be a better alternative. Commissioner Raley asked if the 60 foot right-of-way would be deeded and dedicated to the County. Mr. Canavan stated after the road is upgraded to county standards is should be deeded to the county. Commissioner Raley stated there are two different amounts listed for the traffic mitigation fees. Mr. Canavan stated one is the recommendation of the developer and the other is the recommendation of DPW&T, this can be discussed during the DRARA discussion.

Mr. Keohan stated there is a possibility that the narrow-mouth toad could be on this property however none have been found. Mr. Norris submitted Exhibit AP-3 and environmental map for the record.

Commissioner Mattingly made a motion in the matter of PUD #06-145-004, St. Marys Crossing PUD be continued to September 16, 2008 at 6:30 p.m. in the Commissioners Meeting Room of the Chesapeake Building and Commissioner Raley seconded. Commissioner Jarboe stated the Planning Commission continued this case several times and stated the meetings may be excessive for the people attending. The motion passed by a 4-1 vote with Commissioner Jarboe opposed.

DEVELOPERS RIGHTS AND RESPONSIBILITIES AGREEMENT #07-146-001, St. Marys Crossing DRARA

Commissioner President Russell opened the public hearing for the Developers Rights And Responsibilities Agreement. Commissioner Mattingly made a motion in the matter of DRARA #07-146-001, St. Marys Crossing DRARA be continued to September 16, 2008 at 6:30 p.m. in the Commissioners Meeting Room of the Chesapeake Building and Commissioner Dement seconded. The motion passed by a 5-0 vote.

ADJOURNMENT: The meeting was adjourned at 8:51 p.m.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator (Recorder)	Jada Stuckert, Sr. Admin. Coordinator (Public Hearing Recorder)	