

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, January 10, 2004**

Members present were Larry Greenwell, Chairman; Joseph St. Clair, Vice Chair; Bryan Barthelme; Lawrence Chase; Steve Reeves; and Howard Thompson. Julie King was excused. Department of Land Use & Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Phil Shire, Planner IV; Trish Guy, Planner II; Mark Kalmus, Planning Technician II; and Sharon Sharrer, Recording Secretary. County Attorney John B. Norris, III, was also present.

Mr. Greenwell called the meeting to order at 6:30 p.m.

APPROVAL OF MINUTES - The minutes of November 22, 2004 and December 13, 2004 were approved.

NEW BUSINESS

REQUEST FOR RECONSIDERATION OF THE LEXINGTON PARK DEVELOPMENT DISTRICT MASTER PLAN

Mr. Greenwell explained that several letters were received which requested reconsideration of the Lexington Park Development District Master Plan. Mr. St. Clair asked that Section 12 of the St. Mary's County Planning Commission's Rules of Procedures be read into the minutes to explain to the general public the rules of procedure for reconsideration:

SECTION 12 – RECONSIDERATION

- (a) A written request submitted to the Planning Director to reconsider may be made by any individual at anytime within ten (10) working days of the date of the Planning Commission's final decision. Such request must detail the reasons for reconsideration and should generally relate to situations of mistake, fraud, surprise or inadvertence. The request shall be forwarded to the Commission at its next regularly scheduled meeting for its consideration.
- (b) Any member of the Planning Commission who voted with the majority on the original proposal may move for reconsideration within thirty (30) calendar days of the receipt of the reconsideration request by the Planning Director. If no such member remains on the Commission, the motion may be made by the Chairman, on his/her own initiative, or at the request of any Board member.
- (c) If the staff or a member of the Planning Commission is of the opinion that a final decision is appropriate for reconsideration by the Commission, they shall arrange to have such decision on the agenda for discussion purposes. Sufficient public notice shall be given of the proposed discussion in accordance with these rules.
- (d) After a motion to reconsider has been adopted, the Planning Commission may hear further testimony and receive additional evidence on any relevant issue after due public notice.
- (e) If the Commission does not grant reconsideration within its next two (2) regular meetings after receipt of the request by the Planning Director, it shall be deemed to have been denied without further action.

Mr. Greenwell explained that any Planning Commission member could bring the Lexington Park Development District Master Plan up for reconsideration during this meeting or during the meeting scheduled for January 24, 2005. Mr. Norris explained that this would include any Planning Commission member who had voted in favor of forwarding a recommendation to the Board of County Commissioners for the adoption of the Lexington Park Plan.

PUBLIC HEARING

CWSP #04-110-073 – K & R SUBDIVISION

The applicant is requesting an amendment to service map IV-34 to change the service category from S-6D (sewerage service in six to ten years, developer financed) to S-3D (sewerage service in three to five years, developer financed). The property contains 3.7 acres, is zoned Residential Mixed Use (RMX) Airport Environs (AE), and is located in the Hollywood Town Center immediately south of the intersection of Clarks Mill Road and Mervel Dean Road; Tax Map 34, Grid 8, Parcel 613.

Owner: Randy M. Johnson, Constance A. Johnson, Kevin G. Cusic, and Mary C. Cusic
Agent: Billy Higgs, of Little Silences Rest, Inc.

This agenda item was not heard. The hearing will take place on February 14, 2005.

FAMILY CONVEYANCE

MSUB #04-110-032 – KNOTT’S LANDING

The applicant is requesting review of an additional lot on a private road in accordance with the St Mary’s County Subdivision Ordinance Z02-02, Section 30.11.4, family conveyance provision. The property contains 2.111 acres, is zoned Rural Preservation District (RPD), and is located on the east side of MD Route 249, 1.5 miles south of MD Route 5; Tax Map 57, Grid 11, Parcels 292 & 357.

Owner: Charles E. & Susan E. Wise
Agent: Robert Trautman

Mr. Shire explained that approval of this request would not add any additional dwellings to the property. All three dwellings currently exist. Mr. Shire said that, since there will not be additional users on this private road, there will be no actual impact on the road. The St. Mary’s County Subdivision Ordinance refers to lots per road, and approval of this request would create an additional lot.

Mr. St. Clair moved that having accepted the staff report, dated December 28, 2004, and having made findings pursuant to Section 30.11.4 of the St. Mary’s County Subdivision Ordinance (Criteria for Approval of a Family Conveyance), the Planning Commission grant the Family Conveyance subdivision plan approval, as requested. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

DEVELOPMENT REVIEW

CCSP #04-132-008 – FAITH BIBLE CHURCH

The applicant is requesting review of a concept site plan for the addition of a 7,420 square foot gymnasium to an existing church site. The property contains

4.05 acres, is zoned Rural Preservation District (RPD), and is located at 23325 Three Notch Road in Oakville, Maryland; Tax Map 19, Grid 4, Parcel 402.

Owner: Faith Bible Church

Mr. Shire explained that the gymnasium will be accessory to the church, and is not expected to generate any additional traffic. He said that the final approval of the major site plan will be granted administratively. Adequate facilities findings would be made at the time of the final site plan approval.

Mr. Reeves moved that having accepted the staff report, dated December 27, 2004, 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 concept site plan approval, as requested. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

PSUB #04-120-030 – WILD GOOSE CREST

The applicant is requesting preliminary plan review and approval of a 25 lot major subdivision. The property contains 37.81 acres, is zoned Residential Low Density (RL), and is located on the east side of Mechanicsville Road approximately 600 feet south of its intersection with Old Village Road; Tax Map 9, Grid 13, Parcel 126.

Owner: Melba Swarey
Agent: Billy Higgs, of Little Silences Rest, Inc.

Mr. Shire said that one outstanding issue is a problem identified at the intersection of MD Route 5 and Mechanicsville Road. There will be a \$1,000 per unit fee in lieu of mitigation, due prior to plat recordation. He explained that staff would request that an easement be shown, between lots 6 & 7, to provide potential future access to Village Lane. Mr. Higgs said that the Department of Public Works & Transportation did look at that option but, since all of the lots on that side are existing lots, and already had access, they did not require access on that side. He explained that they do not have any objection to providing the requested easement.

Mr. Greenwell asked if there would be enough room on the shoulder of Mechanicsville Road to provide a deceleration lane. Mr. Higgs explained that they will be providing a widening strip along the front of the subdivision.

Mr. Thompson moved that having accepted the staff report, dated December 29, 2004, 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 preliminary subdivision plan approval conditioned upon the receipt of a \$1,000 per unit fee in lieu of mitigation for improvements to the MD Route 5 and Mechanicsville Road intersection prior to plat recordation, and the addition of an easement on the east side of the property. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

CCSP #04-120-040 – STALLMAN SUBDIVISION, SECTION 7

The applicant is requesting review of a concept site plan for 5 lots, in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 24.36 acres, is zoned Residential Low Density (RL), and is located at the end of Garfield Street south of Rutherford Boulevard and approximately 1,700 feet west of Chancellors Run Road (MD Route 237); Tax Map 42, Grid 24, Parcel 169.

Owner: Empire Homes, LLC
Agent: Pat Mudd, of Day Tech Engineering, LLC

Mr. Shire said that this is a small area in the middle of the Stallman Subdivision, with only five (5) lots proposed. He explained that an amendment is needed because they do not have the appropriate water and sewer categories for the St. Mary's County Comprehensive Water and Sewerage Plan. The concept approval requested is a requirement of the Comprehensive Water and Sewerage Plan. Mr. Shire explained that this plan will return to the Planning Commission for a public hearing on the water and sewer category change, and for preliminary approval.

Mr. Reeves moved that having accepted the staff report, dated December 29, 2004, 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-6D and S-6D to W-3D and S-3D, and noting that the subdivision plan must return to the Planning Commission for preliminary approval; the Planning Commission grant concept plan approval, as requested. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

DISCUSSION/REVIEW

FY 2006 BUDGET

Mr. Canavan explained to the Planning Commission members that the paperwork they received reflects the Planning Commission's budget for FY 2004 and FY 2005. He said that he wanted input from the Planning Commission members on items they would like to have within their budget for FY 2006 preparation and consideration by the County Commissioners. Mr. Canavan explained that both the FY 2004 and FY 2005 budgets include a line item for conferences and conventions, but that none of the budgeted amount had been spent in FY 2004 or so far in FY 2005. Commission members agreed to leave the line item at the current amount for the time being.

WELCOME & FAREWELL

The Planning Commission members welcomed new member Bryan Barthelme to the Planning Commission and sent their farewell wishes to previous Chairman, John F. Taylor, Sr., who left the Planning Commission at the end of 2004.

ANNUAL ELECTION OF OFFICERS

The annual election of officers took place, with Mr. Greenwell being elected as Chairperson and Mr. St. Clair as Vice Chair.

ADJOURNMENT

The meeting was adjourned at 7:05 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session: January 24,
2005

Larry Greenwell
Chairperson