

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, January 11, 2010**

Members present were Brandon Hayden, Chairman; Shelby Guazzo, Joe Meinert, Susan McNeill, Martin Siebert, and Lawrence Chase. Merl Evans was excused. Department of Land Use & Growth Management (LUGM) staff present were Derick Berlage, Director, Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Jeanine Harrington, Planner; Dave Berry, Planner II; and Jada Stuckert, Recording Secretary. Deputy County Attorney David Weiskopf was also present.

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

APPROVAL OF THE MINUTES – The minutes of December 14, 2009 were approved as presented.

ELECTION OF OFFICERS

Ms. McNeill made a motion to nominate Brandon Hayden for Chairman and Mr. Chase seconded. The motion passed by a 5-0-1 vote with Mr. Hayden abstaining. Mr. Chase made a motion to nominate Shelby Guazzo as Vice-Chairman and Mr. Siebert seconded. The motion passed by a 5-0-1 vote with Ms. Guazzo abstaining.

FAMILY CONVEYANCE

MSUB #09-110-025 – Sweeney Property Subdivision

Ms. Harrington gave an overview of the request for a 1 additional lot on a private road stating there are no outstanding issues that would affect a decision tonight. Ms. McNeill asked if there is an existing Road Maintenance Agreement. Ms. Harrington stated yes, and it will be updated at the time of the recordation of the plat.

Ms. Guazzo asked how lot 2 connects to the road and where the septic reserve area is located. Mr. Barry Vukmer stated lot 2 is a previously recorded lot and is not included in this plan. Ms. McNeill asked that the Road Maintenance Agreement be reiterated by Mr. Vukmer. Mr. Vukmer agreed with Ms. Harrington's statements and reiterated the new Road Maintenance Agreement would be updated and recorded prior to the recordation of the plat.

Mr. Seibert made a motion in the matter of MSUB #09-110-025, Sweeney Minor Subdivision, having accepted the staff report and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (Criteria for Approval of a Family Conveyance), I move that the Family Conveyance subdivision plan be approved, with the condition that agreements ensuring access to, and use and maintenance of, the road shall be recorded prior to recordation of the plat and Ms. McNeill seconded. The motion passed by a 6-0 vote.

PUBLIC HEARING

Amend CZO, Chapter 75, Forest Conservation and County Ordinance 05-03, User Fees

Mr. Bowles gave an overview of the proposed text amendment stating the amendment is needed to conform to the new regulations implemented by the State, so the County may comply with State law, in approving projects affected by the Forest Conservation Act.

Ms. McNeill asked for the definition of a "road side tree". Mr. Bowles recommended this is defined by the State as any tree within a State and/or County right-of-way. Ms. McNeill asked how many properties this amendment will affect. Mr. Bowles stated the average does not clear more than 20,000 square feet so the effect should be minimal. Mr. Hayden asked if we are currently collecting the fee-in-lieu. Mr. Bowles stated we can not collect the fee-in-lieu increase until it is

written into the ordinance. Mr. Meinert stated it would be useful to mimic the definition of “road side tree” in the Comprehensive Zoning Ordinance.

Chairman Hayden opened the hearing for public comment.

Mr. William Mehaffey

Mr. William Mehaffey stated a 30 inch tree requires an administrative variance and asked if the standards will be the same for this variance as for all the rest of the variances. Mr. Bowles stated yes. Mr. Mehaffey stated these are very strict standards and this may cause an issue when developers are trying to cluster and intensify within the development district.

Mr. John Parlett

Mr. Parlett stated Forest Conservation Fees are being mandated by the State; therefore the County will not be able to amend the fee amounts. Mr. Parlett stated the 30 inch tree regulation will have a significant impact on developers in St. Mary’s County. Mr. Parlett stated the Board of Appeals fees are pretty significant and hopes the fees will not remain the same for each tree being applied for.

Ms. Laura Clark

Ms. Clark stated the administrative variance process includes everything except the actual hearing in front of the Board of Appeals. Ms. Clark stated this is going to create hardships on any developer within the State. Ms. Clark stated meeting the variance standards alone will be a tough task and asked if there was a way to create a separate set of standards for this type of variation.

Chairman Hayden closed the hearing to public comment and left the record open for 10 days for written comment. Mr. Meinert referenced Article 5-1611 and asked if alternative variance criteria had been considered by staff. Mr. Bowles agreed to provide this additional information at the next meeting.

DEVELOPMENT REVIEW

CCSP #06-132-039 – Park Place

Mr. Seibert excused himself from taking part in this application discussion and left the room for the duration of the discussion.

Mr. Berry gave an overview of the request to review and approve an amended concept site plan stating final findings for adequate public facilities for future phases will be made administratively by the Planning Director, as a prerequisite to final site plan approval. Mr. Berry stated design enhancements and/or approximately 40 TDR’s, will be needed to reach the 272,298 square foot in the (RMX) and 5 additional TDR’s will be required to reach the increased footprint allowed by the Zoning Board of Appeals. Mr. Berry stated the proposed parking continues to exceed that allowed by the Zoning Ordinance, schedule 32.1 required 20% landscaping throughout the site and the Planning Commission has previously requested the percentage of impervious surface for the site.

Ms. Guazzo asked if the landscaping listed in the staff report is for the RMX and RNC. Mr. Berry stated this it is listed for both zones. Ms. Guazzo recommended the applicant find a place for a pocket park especially considering they’re already over the maximum allowed parking spaces. Mr. Meinert asked if SMECO owns this strip of land by right. Mr. Berry stated it is an easement. Mr. Meinert asked if this amended concept plan deviates from the purposes of the RMX zone. Mr. Berry stated the RMX zone does not require residential units and referenced Section 31.7 of the Zoning Ordinance. Mr. Meinert asked for the designation of this property. Mr. Bowles stated it is designated CMX. Mr. Meinert asked about the zoning line between the RNC and RMX zones stating it looks like the hotel building straddles the zoning line. Mr. Berry stated the hotel actually sits in the RMX zone and staff will ensure the hotel sits within the RMX and not the RNC zone.

Mr. Parlett explained approvals to date, giving an overview of changes made to the site. Mr. Parlett stated the hotel will be placed solely within the RMX zoning of the property and a church will be placed solely within the RNC zoning of the property. Mr. Parlett submitted letters from SAIC, Red Robin, and Olive Garden regarding each business parking requirements based on the nature and history of their respective businesses. Mr. Parlett stated the 30.17 acre site has 9.6 acres of impervious surface and 34% open space.

Mr. Meinert asked why the fee-in-lieu was approved rather than requiring trees to remain. Mr. Bowles stated the fee-in-lieu was paid and used to mitigate. Mr. Meinert asked for details on the stormwater management treatment area. Mr. Parlett stated they are submerged gravel wetlands and the square footage is part of the non-impervious surfaces. Mr. Meinert asked if it would be possible to raise the SAIC building for underground parking. Mr. Parlett state no, due to the cost of underground parking.

Mr. Meinert stated he does not have any issue with the requested extra parking spaces. Mr. Meinert asked if the units 8 and 9 could incorporate green building techniques. Mr. Parlett stated unit 9 would be a LEED certified building. Mr. Meinert stated the Commission should define the building materials and techniques for unit 9 and 11 to make them have a more residential appearance. Mr. Meinert asked that the walkway from SAIC to Abell House Lane be made of stamped asphalt. Mr. Meinert stated he feels there are several ways to enhance the design features for this project. Mr. Parlett stated he is reluctant to commit to a number of design features when some of the buildings have no tenants at this point.

Mr. Chase made a motion in the matter of Revised Concept Site Plan #06-132-039, Park Place, having accepted the staff report 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, I move that the concept site plan be approved and Mr. Meinert seconded.

Mr. Meinert suggested 1) units 8 and 9 utilize green building techniques, 2) units 7, 9, and 11 have a residential appearance, 3) units 8 and 9 have no signage along Shady Mile Drive and 4) unit 10 utilize stamped asphalt on the walkway. Ms. Guazzo stated she does not agree with mandating a church to build green and wants the developer to provide bonding for future traffic calming measures on Woodlong Drive as previously approved in the concept site plan.

Mr. Chase accepted the following amendments as conditions to his motion;

- 1. Unit 9 be LEED certified,***
- 2. Unit 9 shall have no signage on the back side of the building facing Shady Mile Drive,***
- 3. The developer will post a bond for any future traffic calming improvements needed to Woodlawn Drive, and***
- 4. Screening of all mechanical equipment on rooftops shall be provided***

The motion passed by a 5-0.

PSUB #05-120-003 – Grandview Haven Phase 2

Mr. Berry gave an overview of the request to lift the age restriction for lots 6-10 and 18-24 from the plat stating there are no outstanding issues that would affect a decision tonight. Ms. Guazzo asked that the possibility of someone being able to subdivide the seven large lots in the future be explained. Mr. Berry stated with the 25th lot a public water system would have to be involved and due to the cost of this system further subdivision is highly unlikely.

Ms. McNeill stated this project bothered her at the time of approval and disagrees with the lifting of this restriction. Ms. McNeill stated she does not like this kind of practice. Ms. Guazzo stated we need senior housing in the northern end of the county right now and she feels the subdivision should remain 55 and older. Mr. Meinert asked how many more lots are out there that were

recorded with this restriction. Mr. Berry stated staff will research this and email the information to Mr. Meinert. Mr. Meinert stated this provision in the ordinance does not fit the development, and this is a mistake in the interpretation of the zoning ordinance.

Mr. Dean Beck of Arrowhead, LLC gave an overview of the reasoning for the 55 and older restriction. Mr. Chase asked if this site has a water tower. Mr. Beck stated each lot will have an individual well as the water and sewer category change was not granted by the County Commissioners. Ms. McNeill asked if the lots were marketed to the 55 and older community. Mr. Beck stated yes and no interest has been shown. Mr. Seibert asked if interest has been shown by younger persons.

Mr. Meinert made a motion in the matter of PSUB #05-120-003, Grandview Haven, Phase 2, Lots 6-8 and 18-24, containing 12 lots, having accepted the staff report and having made a finding that adequate public facilities for schools as described in the Director's Report now exist, I move that the applicants request to remove the age restriction from the previously recorded Record Plat be approved. I also move that the applicant be directed to record a Confirmatory Plan removing General Note 28 and stating the reason for the plat referencing this approval and Mr. Seibert seconded. Ms. McNeill stated although she disagrees with the lifting of the restriction she is voting in favor due to the testimony provided and based on staff's recommendation. ***The motion passed by a 5-1 vote with Ms. Guazzo opposed.***

ANNOUNCEMENTS

Comprehensive Plan and Comprehensive Zoning Status Report

Mr. Jackman gave a brief overview of the Comprehensive Plan status with the County Commissioners and stating the Comprehensive re-zoning public hearings are being planned for spring 2010.

ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: January 25, 2010

Brandon Hayden
Chairman