

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, January 22, 2007**

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

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

APPROVAL OF THE MINUTES – The minutes of January 8, 2007 were approved as corrected.

DEVELOPMENT REVIEW

CDSP #05-120-022 – LANDS OF CHARLOTTE HALL CENTER

The Applicant is requesting review of a concept development plan in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan (CWSP). The property contains 20 acres; is zoned Industrial District (I); and is located on the east side of Three Notch Road, Charlotte Hall, Maryland; Tax Map 4, Grid 10, Parcel 453.

Owner: Charlotte Hall Center, Inc. (Ben Burroughs)
Present: Bill Higgs, Little Silences Rest, Agent.

Mr. Bowles explained the Property is located in the development district and the subdivision is proposed to contain six lots. The current water and sewer categories are W-6 and S-6 (service in 6 to 10 years) and the Applicant will request a CWSP amendment to change the water category to W-3D (service in 3 to 5 years, developer financed). The Applicant received a waiver from the requirement to connect to public sewer, because public sewer service is not available.

Mr. Reeves asked if the Property ends at the Southern Maryland Electric Cooperative (SMECO) right-of-way. Mr. Jackman confirmed the portion of the property that was subdivided does end at the SMECO right-of-way.

Mr. Thompson moved that having accepted the staff report, dated January 12, 2007, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewer amendment to change the water categories from W-6 to W-3D, and noting that the referenced project must return to the Planning Commission for preliminary approval, the Planning Commission grant approval of the concept plan. The motion was seconded by Ms. Guazzo and passed by a 7-0 vote.

PUBLIC HEARINGS

CWSP #05-120-022 – LANDS OF CHARLOTTE HALL CENTER

The Applicant is requesting an amendment to the Comprehensive Water and Sewerage Plan (CWSP) to amend service area map III-4 to change the service category from W-6 (service in 6 to 10 years) to W-3D (service in 3 to 5 years, developer financed). The property contains 20 acres; is zoned Industrial District (I); and is located on the east side of Three Notch Road, Charlotte Hall, Maryland; Tax Map 4, Grid 10, Parcel 453.

Owner: Charlotte Hall Center, Inc. (Ben Burroughs)
Present: Bill Higgs, Little Silences Rest, Agent

Legal advertisements for tonight's public hearings were published in the *St. Mary's Today* on 1/7/07 and 1/14/07. Copies of the proposed amendments were placed on the County website; at the Public Information Office, located at 23115 Leonard Hall Drive, Leonardtown, Maryland; and in all branches of the County libraries.

Mr. Jackman explained this is the same property that was reviewed in the previous case and the Applicant is now requesting a CWSP amendment to change the water category from W-6 to W-3D. He noted Parcel 453 contains a total of 31.2 acres; however, the Applicant is only requesting the water category change for approximately 20 acres of Parcel 453, as described in deed EWA/1099/491. The service to six industrial units will be equal to approximately 20 Equivalent Dwelling Units (EDUs). Water service will be provided by the Charlotte Hall water distribution system. The Applicant will bear all installation costs and no other properties are planned to receive service under this amendment.

The Chair opened the hearing to public comment. The hearing closed with no comments.

Ms. Guazzo moved that having accepted the staff report, dated January 4, 2007, 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 Comprehensive Plan, the Planning Commission vote to recommend to the Board of County Commissioners to amend service area map III-4 to change the service category from W-6 (service in 6 to 10 years) to W-3D (service in 3 to 5 years, developer financed) for the property described as Tax Map 4, Grid 10, the portion of Parcel 453 described in deed EWA/1099/491 in the 5th Election District; and authorize the Chair to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Thompson and passed by a 7-0 vote.

CWSP #06-132-036 – SMCPS 0606, NEW ELEMENTARY SCHOOL SITE

The Applicant is requesting an amendment to the Comprehensive Water and Sewerage Plan (CWSP) to amend service area maps III-33 and IV-33 to change the service categories from NPS (no planned service) to W-3D and S-3D (service in 3 to 5 years, developer financed) in anticipation of construction of a 646-student elementary school. The property contains 54.99 acres; is zoned Rural Preservation District (RPD), Airport Environs Overlay District (AE); and is located at the end of Wildewood Parkway, California, Maryland; Tax Map 33, Grid 24, Parcel 245.

Owner: St. Mary's County Board of Education
Present: Brad Clements, Chief Operating Officer, St. Mary's County Public Schools (SMCPS); and Jackie Raley Meiser, Attorney for SMCPS

Mr. Jackman explained this case was not required to go through concept approval by the Planning Commission, because the Property is not being subdivided. He added the Board of Appeals approved the site for conditional use for a school on November 10, 2005 and approved the site plan on January 11, 2007. He noted extension of water and sewer service from a development district into the RPD is permitted if the property meets the following two conditions: the property receiving service is adjacent to and accessible through a development district; the property will be used for a school. The Property is adjacent to the Lexington Park Development District (LPDD). The proposed elementary school will be equivalent to 20 EDUs and will be serviced by the Lexington Park water distribution system and the Marlay Taylor wastewater treatment plant. The Applicant will bear all installation costs and no other properties are planned to receive service under this amendment.

Mr. Reeves noted he thought this Property was added to the LPDD in the past by the Planning Commission. Mr. Jackman responded inclusion in the LPDD was considered; however, the Board of County Commissioners (BOCC) opted to leave this Property out when the LPDD Master Plan was adopted. Ms. Guazzo inquired about the safety concerns raised by the American Owners and Pilots Association (AOPA) in regards to the construction of a school in the Airport Environs Overlay (AE). Mr. Jackman responded these concerns were addressed by the Board of Appeals during the January 11, 2007 meeting. Ms. Guazzo expressed concern the Planning Commission does not have any information on the issues surrounding the location of a school in the AE. She added she wants to have comments provided by the Department of Public Works and Transportation (DPW&T) on these issues. Mr. Canavan noted the only issue raised at the Board of Appeals meeting in regards to the construction of a school in the AE was the noise associated with overhead aircraft, not accidents. He added the Applicant already received conditional use approval to build a school on this Property in November 2005. Mr. Jackman explained the Property is located in Area 4 of the AE and the Ordinance considers a school an acceptable use in the AE. Ms. McNeill noted the Planning Commission has not seen a preliminary site plan for this school before and she agreed more information on the location of a school in the AE should be provided. Ms. Guazzo pointed out these concerns appeared in a national publication. Staff agreed to provide further information.

The Chair opened the hearing to public comment.

Ruth Schreiner, neighboring resident, expressed concern the school will utilize water from the same source as the neighboring communities and thereby reduce water pressure. She noted the water pressure at her house is already low.

Chet Frederick, Chief Engineer for the Metropolitan Commission (MetCom), responded a new well and water tower will be constructed in the area before the school opens in 2009. The well and tower should provide adequate service and storage capacity for the new school and additional development.

Todd Walter, local resident, explained he lives on Huckleberry Way and his property is located between the proposed school site and the St. Mary's County Regional Airport (Airport). He expressed concern there is a potential for a major aircraft accident at the school site due to its proximity to the Airport. He also expressed concern his property will receive water runoff from the school site. He noted there are several additional developments already proposed for the area that will surround his property and neighboring rural properties. Mr. Walter explained the County needs an elementary school, but there is a greater need for a middle school and a high school. Mr. Reeves inquired about the type of property Mr. Walter owns. Mr. Walter responded he owns a farmstead and the surrounding area includes some other farmsteads as well.

Dave Baden, local resident, explained he is an active pilot who flies out of the Airport. He expressed concern the school should not be constructed in the AE. He explained the local pilots are very safe; however, the majority of accidents occur within 10,000 feet of an airport. Ms. McNeill asked if the Property is located in the flight path of an Airport runway. Mr. Baden responded smaller aircraft will approach much closer to the Airport, but larger aircraft take a wider approach and most of that traffic will approach Airport Runway 29 from the west at a 45 degree angle, which will be very close to the proposed school. He added Runway 29 is the most active and the aircraft will be flying at 800 to 1,000 feet above the ground when they approach that runway.

Ms. Guazzo commented she would like to see a report addressing the proposed school from the aspect of the planned Airport runway expansion.

Ms. Raley Meiser explained the Board of Education purchased this property based on the November 2005 conditional use approval granted by the Board of Appeals. The Applicant proceeded with the site plan with the understanding that the school would be allowed on this

Property. She noted tonight's hearing is only for the consideration of a CWSP category change and she asked the Planning Commission to move forward with the approval of the CWSP amendment with the understanding that information on the location of a school in the AE will be provided to the Commission members before final site plan approval. Ms. Raley Meiser explained this will allow the Board of Education to move forward with the process, so the school can be online by September 2009. She pointed out a favorable recommendation for the CWSP category change does not equate to a favorable recommendation that the school be located in the AE. Mr. Thompson responded he does not want to slow down the process for the school but these concerns must be addressed in the future. Ms. Guazzo agreed no one wants to hold up the construction of a new school but safety is the number one concern and some expert testimony should be provided on the AE issues. Mr. Evans also agreed the CWSP category change can move forward tonight but there must be some assurance information on the location of a school in the AE will be forthcoming. Ms. Raley Meiser noted the Board of Education did not take time to prepare a study of schools located in the AE, because the use is allowed in the Ordinance; however, they will be happy to meet with any necessary governmental agencies and provide any requested information.

Mr. Clements commented he appreciates the position of the Planning Commission. He noted the AE concerns were only recently brought forward. He stressed there are not many school sites available that will meet all of the necessary criteria; however, the safety of the school children is most important.

The Chair closed the hearing to public comment.

Mr. Evans moved that having accepted the staff report, dated January 5, 2007, 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 Comprehensive Plan, the Planning Commission vote to recommend to the Board of County Commissioners to amend service area maps III-33 and IV-33 to change the service categories from NPS (no planned service) to W-3D and S-3D (service in 3 to 5 years, developer financed) for the property described as Tax Map 33, Grid 24, Parcel 245 in the 3rd Election District; and authorize the Chair to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Hayden and passed by a 7-0 vote.

CWSP #06-120-009 – LAUREL PRESERVE (A.K.A. LANDS OF OTTO GOTTLIED)

The Applicant is requesting an amendment to the Comprehensive Water and Sewerage Plan (CWSP) to amend service area map III-19 to change the service category from NPS (no planned service) to RW (Rural Water) in anticipation of service to 61 dwelling units. The property contains 186.59 acres; is zoned Rural Preservation District (RPD); and is located at Laurel Grove Road, Morganza, Maryland; Tax Map 19, Grid 1, Parcel 191.

Owner: St. Mary's Venture LLC
Present: Bill Higgs, Little Silences Rest, Agent

Mr. Jackman explained the maximum number of dwelling units to be served is 61 single-family lots. The water will be supplied by the Patapsco aquifer and sewer service will be provided by individual septic systems. The Applicant will bear all installation costs and no other properties are planned to receive service under this amendment.

Ms. McNeill inquired about the use of TDRs for this development. Mr. Higgs responded TDRs are needed to increase the density of the Property from one unit per five acres to one unit per three acres. Ms. Guazzo inquired about a road crossing the subject Property that provides access to adjacent properties. Mr. Higgs responded meetings took place with the residents of

those adjacent properties to address this road. He explained the proposed development will provide a County road that will lead to a small private road that will become the new means of access for those adjacent properties. Mr. Reeves asked if the proposed development will be accessed through Kavanaugh Road. Mr. Higgs replied access will be from Laurel Grove Road. Mr. Reeves inquired about traffic impacts to the area. Mr. Higgs replied there will be a traffic study and some road improvements will probably be needed. Mr. Reeves asked if the Applicant is also pursuing minor subdivisions for the area. Mr. Higgs responded two minor subdivisions of five lots each are currently in the process of being approved on either side of the road. The water to the two minor subdivisions will probably be provided through a small water system of two wells, rather than ten individual wells. Ms. Guazzo inquired about plans for the neighboring historical area. Mr. Higgs confirmed the area will be left entirely in open space and will not be graded, dumped on or disturbed in any way. Mr. Thompson inquired about slopes on the Property. Mr. Higgs replied there are a few slopes but they are all within the limits of sensitive slopes.

The Chair opened the hearing to public comment.

Judy Shether, local resident, expressed concern Laurel Grove Road floods during heavy rains and the additional development will increase water runoff. She asked what affect water service to 61 additional lots will have on the water levels available to neighboring residents. She inquired about the percolation tests for the Property. She also asked if the development will be coming back for a sewer category change. Mr. Higgs replied sewer service will be provided by individual septic tanks and the Property passed 61 percolation tests. He explained the well for the central water system will be dug to the Patapsco aquifer, which is deeper than the Aquia aquifer utilized by the neighboring developments. Mr. Reeves inquired about the combined wells for the minor subdivisions. Mr. Higgs responded there will be a temporary well dug to the Aquia to serve the two minor subdivisions until the central water system is complete. He added the development will utilize an underground storage tank. Mr. Higgs noted the stormwater management plan for the development needs additional modifications.

Daffney McGuire, local resident, explained there are some additional historical areas of the Property that have not been identified. There is one small area where a cabin was located that may have been constructed with some very old construction materials. In addition, there is an area where a chapel of ease was located from 1767 to 1830, which was a place local people could visit to worship when they could not make it to the church. Ms. McGuire explained these chapels usually included burial sites and she asked that this area be protected. Mr. Higgs responded the Applicant is aware there is a burial site on the Property, which will be left undisturbed. Mr. Evans inquired about the exact location of the chapel of ease. Ms. McGuire responded she is not sure exactly where it was located but she will share that information with staff when she receives it.

James Wohlmuther, local resident, expressed concern this development will increase traffic on Laurel Grove Road, which narrows in some places, and traffic on the road is already bad. He explained he has to cross Laurel Grove Road to get to his mailbox. Mr. Chase asked if Kavanaugh Road is a better route to access the proposed development. Mr. Higgs responded this will need to be examined further after the traffic study is completed. Ms. Guazzo inquired about the width of the Laurel Grove Road right-of-way. Mr. Higgs replied it may be only 30 feet wide at some points, but the road will be widened where it runs through the development.

Richard Hicks, local resident, explained his property is adjacent to the subject Property. He expressed concern the development will increase water runoff onto the back of his property where there is a ravine that is already swampy. Mr. Hicks asked how this subdivision can proceed if there is a problem with Adequate Public Facilities (APF) in relation to school capacity. Mr. Higgs responded the proposed subdivision, still in the early stages of approval, will have to meet APF requirements.

Cindy Elrod, local resident, expressed concern Laurel Grove Road is very narrow prior to the location of the planned subdivision. She noted there may not be enough room to widen this road. Mr. Higgs stressed road improvement issues will be addressed when the traffic study is complete.

Jim Harrison, local resident, explained many residents use Laurel Grove Road to access properties located off of Morganza Turner Road. He expressed concern there will be too much traffic on Laurel Grove Road. He also expressed concern the proposed development will create more stormwater runoff.

The Chair closed the hearing to public comment.

Ms. Guazzo commented she would like to have representatives from DPW&T present when this project returns to the Planning Commission. Mr. Thompson commented he does not like to approve water and sewer category changes on developments that have lots of potential issues without first addressing those issues.

Mr. Evans moved that having accepted the staff report, dated January 3, 2007, 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 Comprehensive Plan, the Planning Commission vote to recommend to the Board of County Commissioners to amend service area map III-19 to change the service category from NPS (no planned service) to RW (rural water service) for 186.59 acres described as Parcel 191 of Tax Map 19 in the 6th Election District; and authorize the Chair to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Hayden and passed by a 7-0 vote.

CWSP #06-132-014 – CORNERSTONE PRESBYTERIAN CHURCH

The Applicant is requesting an amendment to the Comprehensive Water and Sewerage Plan (CWSP) to amend service area map III-35 to change the service category from W-6 (service in 6 to 10 years) to W-3D (service in 3 to 5 years, developer financed) in anticipation of providing community water service to an existing church. The property contains 5 acres; is zoned Residential Neighborhood Conservation District (RNC); and is located and is located at 23075 Town Creek Drive, California, Maryland; Tax Map 35, Grid 13, Parcel 19.

Owner: Cornerstone Presbyterian Church of California
Present: Bill Mehaffey, Mehaffey & Associates, Agent

Mr. Jackman explained the church, which is currently served by a well, is planning an expansion that will bring the total floor area to approximately 30,000 square feet. The total seating capacity of the church will be 527 seats and will be equivalent to six EDUs. The Applicant will bear all installation costs and no other properties are planned to receive service under this amendment. The water service will be provided by the Lexington Park water distribution system.

The Chair opened the hearing to public comment.

Jeffrey Dronenburg, Sr., local resident, explained he was a previous member of the church and also served on the building committee that planned the expansion. He noted he lives across the street from the church in Town Creek Manor. He expressed concern the water mains in the Town Creek Manor area are varying in size; some as small as 1.5 inches in diameter. Mr. Dronenburg explained his neighbors have had problems in the past with water pressure and residents are worried their water pressure will decrease further when the church is provided with

water service. He added Town Creek Manor only has one fire hydrant. He asked that an additional fire hydrant be provided and the water mains be enlarged in Town Creek Manor. He added the church is a very good neighbor and he approves the project; however, he would like to see improvements made in the water system as well.

Mr. Frederick confirmed water mains in Town Creek Manor vary in size from eight inches in diameter to 1.5 inches in diameter. He explained Town Creek Manor residents will not be affected if water service is provided to the church, because the eight inch water main will be extended to the church. He noted the church will bear the cost of extending the main along a side street of Town Creek Manor, which will help the community water service. Mr. Thompson asked if there is a pumping station in Town Creek Manor. Mr. Frederick replied there are three wells, which are all tied to the Lexington Park water distribution system.

The Chair closed the hearing to public comment.

Ms. Guazzo inquired about the availability of water in the event there is a fire at the church. Mr. Mehaffey replied there will be a fire hydrant installed near the church and the extension of the eight inch main will provide adequate water service for a sprinkler system that will be installed in the church.

Mr. Thompson moved that having accepted the staff report, dated January 5, 2007, 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 Comprehensive Plan, the Planning Commission vote to recommend to the Board of County Commissioners to amend service area map III-35 to change the service category from W-6 (service in 6 to 10 years) to W-3D (service in 3 to 5 years, developer financed) for the property described as Tax Map 35, Grid 13, Parcel 19 in the 8th Election District in anticipation of providing community water service to an existing church and its expansion of 19,575 square feet; and authorize the Chair to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Board of County Commissioners. The motion was seconded by Ms. McNeill and passed by a 7-0 vote.

The Chair called a recess at 8:35 p.m. The Chair called the meeting back to order at 8:45 p.m.

Mr. Bowles alerted the Planning Commission that there are notification issues related to the family conveyance cases. He explained notifications were sent to adjoining property owners, but some of the notifications listed the Southern Maryland Higher Education Center as the location of tonight's meeting. Ms. Guazzo asked if anyone placed a notice at the Higher Education Center with the correct location. Mr. Bowles responded staff just discovered this issue tonight when they were presented with a letter on the Whalen case that clearly gave the wrong location. Mr. Keohan explained a notice that lists the wrong location cannot be considered adequate notice; therefore, those cases will need to be moved to a later date to allow time for new notices to be sent. Mr. Nokleby explained he thought his staff sent corrected notices, but he cannot verify which property owners received incorrect notification. Mr. Reeves decided each case should be examined individually

FAMILY CONVEYANCES

MSUB #06-110-027 – USHERS SUBDIVISION, RE-SUBDIVISION OF LOT 1

The Applicant is requesting preliminary review of an additional lot on a private road in accordance with St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, Family Conveyance provision. The property contains 3.50 acres; is zoned Rural Preservation

District (RPD); and is located at 46198 Usher Lane, Valley Lee , Maryland; Tax Map 58, Grid20, Parcel 230, Lot 1.

Owner: Diane L. Henderson
Present: Jerry Nokleby

Certified Notice was mailed to all users of the private road and contiguous property owners. The notice was determined to be adequate. Certified receipts are in the file.

Mr. Bowles explained this case was tabled by the Planning Commission on October 10, 2006 until a new road maintenance agreement could be signed by all of the users of the road. Ms. Guazzo noted the new road maintenance agreement, signed and recorded on November 12, 2006, only has 11 signatures; however, there will be a total of 13 lots accessed by Usher Lane if the additional lot is approved tonight. Mr. Bowles responded Ms. Henderson's son, who will be the recipient of the additional lot, cannot sign the road maintenance agreement until the subdivision is approved. Mr. Nokleby added one of the lots counted by staff has frontage on Usher Lane, but it is actually accessed through another road; therefore, the owner of that lot is not a user of the road and does not have to sign the road maintenance agreement. He added that particular lot has a sign on Usher Lane stating the lot has no access off of Usher Lane.

Mr. Evans moved that having accepted the staff report, dated January 4, 2007, and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (*Criteria for Approval of a Family Conveyance*), the Planning Commission grant approval of the Family Conveyance subdivision plan, 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 that when the Property is subdivided, the new user will sign the existing road maintenance agreement that was originally signed by all other users of the road and recorded on November 12, 2006. The motion was seconded by Mr. Hayden and passed by a 7-0 vote.

MSUB #06-110-096 – LAND OF DAVID LARSON

The Applicant is requesting preliminary review of an additional lot on a private road in accordance with St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, Family Conveyance provision. The property contains 12.11 acres; is zoned Rural Preservation District (RPD); and is located at 44294 Richey Road, Valley Lee, Maryland; Tax Map 57, Block 13, Parcel 293.

Owner: David Allen Larson
Present: Jerry Nokleby

Certified Notice was mailed to all users of the private road and contiguous property owners. The notice was determined to be adequate. Certified receipts are in the file.

Mr. Bowles explained the Applicant is subdividing to get two additional lots, for two sons, and two TDRs will be required for the third lot. Approval of an additional lot on this road will bring the total number to seven lots. Mr. Bowles explained Richey Road is a 40-foot right-of-way, with the first 0.6 miles owned by the County. The private section of the road has a 12-foot gravel travel way in good condition. Ms. McNeill inquired about the status of any existing road maintenance agreements. Mr. Larson responded Richey Road branches approximately 250 feet from MD 244. He explained he has signed a road maintenance agreement with the one other user whose property is accessed through the same branch as his own property. He added he can get signatures from the two users located on the main portion of the private section of Richey Road.

Mr. Reeves inquired about the TDRs. Mr. Bowles responded Section 32.1, Footnote 8 of the Ordinance allows a lot to be subdivided into one additional lot for a family conveyance if the

parent lot is more than two acres and less than ten acres. The parent lot in this case is over ten acres; therefore, TDRs are required for the third lot. Mr. Reeves expressed concern over the size of the lots allowed in family conveyance cases.

Mr. Chase moved that having accepted the staff report, dated January 4, 2007, and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (*Criteria for Approval of a Family Conveyance*), the Planning Commission grant approval of the Family Conveyance subdivision plan, with the condition that agreements ensuring access to, and use and maintenance of, the road shall be recorded prior to recordation of the plat. The motion was seconded by Ms. Guazzo and passed by a 7-0 vote.

MSUB #06-110-122 – WHALEN SUBDIVISION

The Applicant is requesting preliminary review of an additional lot on a private road in accordance with St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, Family Conveyance provision. The property contains 3.30 acres; is zoned Residential Low-Density District (RL); and is located on Sunrise Lane, Charlotte Hall, Maryland; Tax Map 4, Grid 22, Parcel 139.

Owner: James A. Whalen
Present: Jerry Nokleby

The Planning Commission tabled this case due to concerns the notifications sent to adjoining property owners listed the wrong location for the Planning Commission public hearing. At least one person was present with a copy of the notification letter listing the incorrect location. The case is planned for the February 26, 2007 agenda.

MSUB #06-110-116 – WATSON MINOR RE-SUBDIVISION, LOT 500-1

The Applicant is requesting preliminary review of an additional lot on a private road in accordance with St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, Family Conveyance provision. The property contains 3.178 acres; is zoned Rural Preservation District (RPD); and is located at 44590 Deerfield Road, Callaway, Maryland; Tax Map 57, Grid 3, Parcel 246.

Owner: Rose Vinson
Present: Jerry Nokleby

The Planning Commission tabled this case due to concerns the notifications sent to adjoining property owners possibly listed the wrong location for the Planning Commission public hearing. There was no one present for this case and no copies of the letters were available to show what location was listed. The case is planned for the February 26, 2007 agenda.

DEVELOPMENT REVIEW CONTINUED

CDSP #06-132-039 – PARK PLACE

The Applicant is requesting review of a concept development plan for 360,045 square feet of RMX mixed-use development and 30 single-family residential lots in the RNC in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan (CWSP). The property contains 40.96 acres; is split-zoned Residential Mixed Use District (RMX) and Residential Neighborhood Conservation District (RNC); and is located at 23095 Shady Mile Drive, California, Maryland; Tax Map 34, Grid 17, Parcels 104 and 122.

Owner: Next Summers, LLC
Present: Pat Mudd, P.F. Summers Development, LLC, Agent

Mr. Shire explained the maximum Floor Area Ratio (FAR) that will be allowed on the RMX portion of the site is 361,330 square feet. The maximum number of residential units that will be allowed on the RMX portion of the site is five units per acre with the purchase of TDRs, or 118 total units. The 118 residential units will not be allowed in addition to the 361,330 square feet of FAR, but must be included in the total allowable FAR. Mr. Shire noted the Applicant is not planning to pursue the maximum allowable FAR or units and has not yet decided what will be included in the concept plan for the RMX portion of the site. The Applicant does plan to construct 30 single-family dwelling units on the RNC portion of the site.

Ms. Guazzo asked if there will be any buffer or green space between the development and Shady Mile Drive. Mr. Shire responded a transportation buffer is not required along Shady Mile Drive. He added the Planning Commission can impose a buffer as a condition. He noted at least 50 percent of the parking spaces for the development are required to be located behind the building facades.

Mr. Reeves asked if there will be a service road behind the development. Mr. Mudd responded there will. Mr. Thompson expressed concern regarding the development planned around the existing pond. Mr. Mudd replied there is an embankment for the pond that will have to be repaired. He added the pond will have to be maintained at its current size and water level. He noted all stormwater runoff will be treated before it is discharged into the pond. Ms. Guazzo inquired about buffering along MD 235 to keep the headlights of cars parking at the development from impacting drivers on MD 235. Mr. Mudd responded the subject Property is at a lower elevation than MD 235. Ms. Guazzo inquired about the structured parking. Mr. Mudd replied the structured parking will probably not be necessary, because the Property will have more than the required amount of open space.

Mr. Thompson moved that having accepted the staff report, dated January 16, 2007, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewer amendment to change the water categories from W-6 and S-6 to W-3D and S-3D, and noting that the referenced project must return to the Planning Commission for preliminary approval, the Planning Commission grant approval of the concept plan. The motion was seconded by Mr. Hayden and passed by a 7-0 vote.

DISCUSSION AND RECOMMENDATIONS

FY 2008 BUDGET FOR LAND USE AND GROWTH MANAGEMENT

Withdrawn from the agenda.

SEMI-ANNUAL WILDEWOOD UPDATE

Present: Mike Wettengel for Wildewood Residential, LLC

Mr. Shire noted the Department of Public Works and Transportation will require a traffic study on the internal roads of the Wildewood Planned Unit Development (PUD) when it reaches 2,400 units. He explained APF may need to be addressed within the next section or two of this PUD. Mr. Wettengel explained the last update of the Wildewood PUD took place in July 2006 and at that time the Planning Commission agreed to change from annual updates to semi-annual updates. He reviewed the progress report of all the projects under the PUD. Since July 2006, two site plans have been approved: Dahlia Park, Phase Two for 75 units and Challenger Estates for 125 units. In addition, 174 total building permits have been issued: 34 in Dahlia Park, 4 in Retirement Village, and 136 in Lake Apartments. There were also 65 certificates of occupancy obtained. There are currently two site plans in the process: Primrose Park for 212 units and Sturbridge Condos for 208 units. Mr. Wettengel explained available unit and square footage balances, the land use program, and open space requirements. He noted the Wildewood PUD is

well ahead of the required open space to date. Mr. Wettengel informed the Planning Commission that the ball fields and swimming pools are now owned and managed by the community association.

Mr. Evans asked if the concerns of neighboring residents regarding Challenger Estates have been addressed. Mr. Wettengel replied meetings with all of the neighboring residents along St. Andrew's Estates have taken place and many have seen the plan for Challenger Estates. He noted landscaping along that corridor should start this spring. Mr. Evans inquired about water runoff to the farmsteads around Huckleberry Way. Mr. Wettengel explained the natural water drainage course from the Wildewood PUD actually runs away from those farmsteads.

ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

Cindy R. Koestner
Recording Secretary

Approved in open session: February 12, 2007

Stephen T. Reeves
Chairman