

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, March 12, 2007**

Members present were Steven Reeves, Chair; 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; Amanda Sivak, 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 February 26, 2007 were approved with spelling corrections.

PUBLIC HEARING

AMEND CHAPTER 32 “PROPERTY DEVELOPEMENT REGULATIONS” AND SCHEDULE 32.1 “DEVELOPMETN STANDARDS”

The Applicant is requesting to amend proposed zoning text amendment: For the purposes of 1) modifying the proposed building height limits allowed in Schedule 32.1 and 2) make grammatical change.

Applicant: Department of Land Use and Growth Management
Present: Denis Canavan, Director; Phil Shire, Deputy Director.

Legal advertisements for tonight's public hearings were published in the *St. Mary's Today* on 02/25/2007 and 03/04/2007.

Mr. Canavan explained they were proposing to revise the building height limits in the various zoning districts and secondly to make a minor spelling correction in one of the footnotes. The subject is the building height in the 2002 Zoning Ordinance approved by the County Commissioners. Mr. Canavan explained he thought there was a misplaced footnote. It is relevant to the maximum building height in schedule 32.1. The row reads maximum height following those words is footnote seven. This footnote would allow the increase in height above the base height in the individual zone. It allows a maximum height of 100 feet. The max height allowed now is inappropriate in many of the zones. The height in many zoning districts is 40 feet.

The recommended modifications to the footnote are to strike footnote seven and locate number seven to the individual height limits in the individual zones. New language on how footnote seven would read: Principal structures may be erected to a maximum height of 50 feet when the side and rear yards are increased 1 foot for each foot of height in excess of the height restrictions for the zone. Existing buildings constructed as of the effective date of the amendment are not considered a non-conforming building height. Insert a new footnote 12 following the words “Maximum Height” reads as follows: height of all structures subject to site-by-site analysis for compliance with Chapter 43, AICUZ and AE height restrictions. Structures with a building height greater than 45 feet shall install an approved sprinkler system. Height of communications towers are exempt from height restrictions of Schedule 32.1 and regulated by the provisions contained in Chapter 51 of this Ordinance. This is not new language, just reclassifying it as footnote 12. The spelling error in footnote 10 is to read “public”.

Ms. Guazzo questioned Mr. Canavan why they are allowing 50 feet in these zones and not just 40 feet and that means a building 50 feet high will only be 10 feet from the rear and side yards. Mr. Canavan explained that there is a 1:1 ratio that needs to be maintained when constructing buildings with the new amendment. There are buildings that are over 40 feet because they took advantage of the existing provisions and they could increase their height with

the added setbacks. Ms. McNeill asked if it was a very common boundary where they exceed 40 feet. Mr. Canavan explained the thought was to allow buildings to increase their height if they have the added set back and the clause was to allow buildings that exceed that height to be conforming. Mr. Shire explained the buildings that exceed 50 feet are 4 story buildings and have a pitched roof. Ms. McNeil questioned if a grandfathered building exceeded 40 feet would it be non-conforming if it was changed. Mr. Canavan explained the building would be in a non-conforming status if it were changed after the ordinance was fixed.

The Chairman opened the case to public hearing.

Mr. Fry explained that extending the height limit would not be adding anything to the Ordinance. Ms. Sebacher agrees with Mr. Fry on why there needs to be 50 foot height limit. Mr. Hayden explained that he read that the current Ordinance and it is allowing buildings up to 100 feet. Ms. Guazzo explained the intention of the new amendment is for 40 feet and the intent of the 40 foot limit was a 3 story building everywhere in St. Mary's County and a 4 story building in the Development District.

This hearing will be left open for 10 days for public comment.

DISCUSSION AND RECOMMENDATIONS

APF TASK FORCE REPORT WORK SESSION

Mr. Shire put together a recommendation sheet of all the recommendations from the Planning Commission Work Sessions. The first recommendation was the concurrence of the 2.25% annual growth rate of the county. The second is the concurrence with the proposed allocation percentages in the growth areas. 35% in the growth area is for multi-family and 65% single-family. In the RPD, 40% would be for minor subdivisions and 60% for major subdivisions, with some reservation it should be a 30/70 split. If all RPD allocations were not used, they could be transferred to the growth areas. The third was the concurrence with the proposed project type. 100 dwelling units – 25 approved per year, 100-200 units – 30 per year, 201+ - 40 units per year, and multi-family 100 units per year.

Ms. Guazzo suggested in the opening paragraph of the recommendation sheet it should state the Planning Commission voted to consider recommendations 1, 2, and 3 to the BOCC and 4 and 5 would be reviewed at a later date. Mr. Reeves asked if we recommend adjustments to the percentages in the recommendations. Ms. Guazzo asked if that was meant in number 67 adding mitigation as an option. Mr. Shire explained yes that is what he meant.

The fourth is the elevation of enrollment above the state rated capacity Elementary school 107%, Middle 110% and High School 111%. The fifth is that school portion of the Economic Impact Fee (EIF) increased to \$3600 dollars. Ms. Guazzo explained the recommendation needs to explain why they decided \$3600 dollars, since it was based on the new 2008 CIP. The sixth is to eliminate the EIF exemption for family conveyances. Mr. Shire asked the PC for direction on the transfer tax and future funding issues. Ms. McNeill explained there was a disagreement on recommendation number four. She wanted to see if there was an administrative fix between LUGM and the BOE.

Mr. Evans expressed concern that the APF would be kicking in before the growth policy could do anything. Mr. Evans stated the growth rate is an opportunity to be able to build at a reasonable rate. Mr. Evans however, doesn't believe the numbers chosen are going to work with how the state funds projects. Mr. Shire questioned if the concern is if rising enrollment would use up the lot allocations too quickly. Mr. Evans answered that was a concern. Ms. McNeill explained that she believes there is another way of allocating school seats. Ms. McNeill explained there might be an administrative way of shifting seats around and Mr. Canavan could

possibly do this. Mr. Canavan explained the percentages are fixed and the schools that are split between two areas are part of the analysis that is sent to the BOCC.

Ms. Guazzo explained Ms. Howe thought the maximum core capacity should not be tapped out, but have it below the maximum so they can have some movement in the school for shifting children. Ms. Howe suggested the service areas be redrawn to take in account the development district of the County. The Commission thought it might be a Comprehensive Plan issue. Mr. Canavan explained that doesn't have the answer right now. He explained they want the benefit of the growth policy working and he doesn't want the percentages to increase until the growth policy is in effect. Mr. Shire explained he could reword number four so the elevation of the enrollment only happened after the growth policy adoption. Ms. Guazzo explained she could recommend an increase in the percentage in the State Rated Growth Policy only after or commencing with the adoption of the annual growth policy for the county.

Ms. Guazzo moved that the Commission recommend an increase in the percentage in the State Rated Growth Policy only after or commencing with the adoption of the annual growth policy for the county. Mr. Chase seconded the motion and passed by a 7-0 vote.

Mr. Canavan asked if the Commission would like to have Mr. Shire to put this into a resolution form and have it back by the next meeting.

Mr. Shire wanted to make a clarification about the county wide APF numbers for High Schools, was there an agreement to that issue. Mr. Reeves explained that they didn't vote on that issue. Ms. Guazzo explained that they didn't accept the suggestion from the Task Force. Mr. Evans explained there were some differences of opinion on that issue. Mr. Shire asked if the Commission agreed to the suggestion that if a school site had been acquired and planning funds are planned in the current Fiscal year, the school capacity could be counted. Ms. Guazzo explained they did agree on that point.

Mr. Canavan explained they will prepare a resolution for this and go over it at next meeting. Mr. Evans asked if there was going to be a copy sent out to them before hand. Mr. Canavan explained it will be in their meeting packet.

ANNOUNCEMENTS

There is a meeting on March 13, 2007 with the BOCC, State Planning, and Maryland Agriculture Land Preservation Commission.

ADJOURNMENT

The meeting was adjourned at 7:20 p.m.

Amanda Sivak
Recording Secretary

Approved in open session: April 9, 2007

Stephen T. Reeves
Chairman