

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, March 24, 2003**

Members present were John F. Taylor, Chairperson; Larry Greenwell, Vice Chair; Lawrence Chase, Julie King, Jim Raley, Steve Reeves, and Joe St. Clair. DPZ staff present were George Forrest, Acting Director; Jeffrey Jackman, Senior Planner; Phil Shire, Planner IV; Yvonne Chaillet, Planner III; and Peggy Childs, Recording Secretary. County Attorney John B. Norris, III and Assistant County Attorney Linda Springrose were also present.

A list of attendees is on file in DPZ. The Chair called the meeting to order at 6:30 p.m.

APPROVAL OF MINUTES

The minutes of March 10, 2003 were approved as recorded.

CONSENT AGENDA

FSUB #00-120-015 – DUNLEIGH SUBDIVISION

Requesting final record plat approval of a 35-lot subdivision. The property contains

23.248 acres, is zoned RL, and is located on the south side of Rue Purchase Road,

approximately 800 feet north of its intersection with MD 235 (Three Notch Road);

Tax Map 43, Block 3, Part of Parcel 186.

Owner: Quality Built Homes, Inc.

Present: Michael Rodevick, of RA Barrett & Associates, Inc., Agent

Mr. Shire stated that all applicable agencies have issued final approvals and there are no outstanding issues, other than the Commission's concern at preliminary approval regarding a traffic signal at MD 235 and Rue Purchase Road. In light of the fact that a CVS Pharmacy and a WAWA convenience store will be located at the intersection, with traffic from Dunleigh Subdivision and Victoria Subdivision, which includes an outpost of the Lexington Park Rescue Squad, the members directed staff to write to the State Highway Administration supporting a request by the Department of Public Works & Transportation that a signal be provided. Although no written response has been received, Mr. Shire said he spoke today to Frank Coxon, of SHA, who said a signal is not warranted there and they are beginning construction of a mountable island barrier at that intersection in the 235 widening project.

Member Joe St. Clair asked for the State's reasoning in not providing a signal, adding he hears about traffic problems in that area all the time. Mr. Forrest offered to pursue a written response from SHA but the Chair stated he believes the State does not want another signal so close to the San Souci intersection. Mr. Shire stated one thing DPWT has done was request a 5-year bond from each of the businesses to be located at the intersection, so that, in the event a signal becomes warranted, the bonds will cover the County's cost of the signal, which is one-half. The State will pay the other half.

Mr. Raley moved that, having made a finding of adequate facilities, including stormwater management, and noting that the project has met all TEC requirements, the final subdivision plan be approved. Seconded by Mr. Greenwell and passed by 7-0.

DISCUSSION

ZO TEXT AMENDMENTS – PRIVATE ROADS

This public hearing was held on March 10, 2003 and the record was held open for 10 days for written comment. No comments were received during the open record period, making the comment offered by Ron Langley at the public hearing the only one received. Mr. Langley seeks to build a retirement home on his property at Great Mills, but Ronnie Lane, the private road he constructed to serve his residential subdivision, already serves 5 lots, one of which contains his existing home.

The Chair recalled that the Planning Commission previously had authority to approve waivers, or exceptions, to allow additional lots on private roads but, under the new Zoning Ordinance, the Commission no longer has that authority and the regulations can only be varied by the Board of Appeals, after public hearing and on proof of hardship. He noted, if the Commission approves the proposed amendments, there will be no way to grant Mr. Langley any relief. He suggested tabling this decision for staff to prepare a zoning amendment restoring the authority to the Planning Commission to grant exceptions for additional lots on private roads. Mr. St. Clair and Mr. Raley agreed.

Mr. St. Clair moved that the decision on the amendments be tabled, and for staff to prepare for public hearing a text amendment authorizing the Commission to grant exceptions on private roads, as suggested by the Chair. Both amendments can then be considered simultaneously. The motion was seconded by Mr. Raley and passed by 6-0-1. Ms. King abstained.

Lexington Park Christian School

The County Attorney advised the Commission members that, although they had forwarded a recommendation to the Board of County Commissioners to include the Lexington Park Christian School within the Callaway Village Center, no action was taken as to the zoning of the property. Mr. Norris advised that a public hearing must be conducted on a mapping change for the school property. Mr. Jackman suggested the zoning amendment should be from the existing RPD zoning to either RL (Low Density Residential) or VMX (Village Center Mixed Use).

Mr. Greenwell moved to direct staff to prepare a text amendment for public hearing as requested by the County Attorney. The motion was seconded by Mr. Raley and passed by 7-0.

Mr. Raley requested a timeline for the hearing, so as not to hold up the school any longer than necessary. Mr. Norris responded that the hearing

could be advertised for the April 14th meeting, along with a public hearing on a Development Agreement for Club Properties.

SubPlans incorporated into Comprehensive Plan

Mr. Jackman provided a timeline for the Commission's review of a list of 14 plans and programs to be incorporated into the Comprehensive Plan, beginning with the Southern Maryland Heritage Plan on April 14th and followed by the Comprehensive Water & Sewerage Plan on May 12th. The timeline culminates with the Chesapeake Bay Agreement and Tributary Strategies on April 12, 2004 and any other remaining plans on May 11, 2004. Mr. Jackman stated it may be necessary to "flip-flop" the Southern Maryland Heritage Plan and the CWSP Plan, if the Southern Maryland Heritage Plan is not ready for review on April 14th.

The Commission approved the proposed timeline by acclamation.

Pembroke Update

Ms. Springrose said she is having trouble locating the legal opinion by a previous county attorney referenced by Mr. Grimm on March 10th. On that date the Commission directed that the legal opinion be reviewed by the County Attorney's office to determine whether it took into consideration the fact that the Metropolitan Commission had the power of condemnation and whether Pembroke was "aggrieved" by DPZ's and the Planning Commission Chairman's decision to remove the final subdivision plan and the phasing plan from the PC Consent Agenda of September 13, 1999 because of an outstanding legal issue; i.e., whether or not MetCom could get clear title to the easement for the sewer line. Hopefully, the opinion will surface and Ms. Springrose will have the legal opinion requested by the Commission for the next meeting.

ADJOURNMENT – 7:10 p.m.

Peggy Childs
Recording Secretary

Approved in open
session: April 14, 2003

John F. Taylor, Sr.
Chairperson