

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, March 27, 2006**

Members present were Joseph St. Clair, Chair; Steve Reeves, Vice Chair; Lawrence Chase; Merl Evans; Brandon Hayden; Susan McNeill; and Howard Thompson. Department of Land Use and Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Phil Shire, Planner IV; Bob Bowles, Planner II; Mark Kalmus, Senior Planning Specialist; and Keona Courtney, Recording Secretary. County Attorney, Christy Holt Chesser, was also present.

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

PUBLIC HEARING

CWSP #05-131-023 – ST. CLAIR OFFICE BUILDING

The request is to amend service area maps III-34 and IV-34 to change the service categories from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 0.6 acres described as Tax Map 34, Grid 2, Parcel 333, in the Sixth Election District in anticipation of construction of a 5,000 square foot office building.

Owner: Joseph A. St. Clair
Present: Billy Mehaffey, Mehaffey & Associates, PC

Legal advertisements were published in the *St. Mary's Today* on March 12, 2006 and March 19, 2006. The properties were posted and notices were mailed to adjoining property owners. Certified mail receipts were submitted to staff for the files.

The Chair excused himself due to a conflict of interest.

Mr. Jackman explained that this property is located in the Hollywood Town Center in Hollywood, Maryland. He explained that other CWSP amendments have been approved in this general area, such as Bruster's Real Ice Cream, Virginia Knolls, Twin Ponds Subdivision, Broad Creek Subdivision, and the St. John's Church addition. Water and sewer service currently extends to the Bean clinic, K and R Subdivision, and the proposed subdivisions of Joy Chapel Estates and Sotterley Gate. The Metropolitan Commission (MetCom) is working on a consolidated Plan to connect all of these properties.

Ms. McNeill expressed concern about who would be paying for extension of water and sewer to Twin Ponds Subdivision, Broad Creek Subdivision, and St. Johns Church. Mr. Jackman explained that it is typical for developers to pay installation costs.

The Vice Chair opened and closed the hearing to public comment. There were no comments.

Mr. Thompson moved that having accepted the staff report 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 County Comprehensive Plan, the Planning Commission recommend to the Board of County Commissioners to amend service area maps III-34 and IV-34 to change the service categories from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for property described as Tax Map 34, Grid 2 and Parcel 333 in the Sixth Election District; and to authorize the Vice-chairman to sign a resolution to transmit this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

ZPUD #06-145-001 – SHADY KNOLLS, SECTION 2 PUD AMENDMENT

The request is for a proposed major amendment to convert approximately 11.20 acres of the commercial component to residential and to change the residential density from 5.4 units to 5.9 units per acre. The property contains 11.20 acres; is zoned Residential Low-Density District (RL), Planned Unit Development (PUD) 5.3; and is located on the north side of Pegg Road across from Forest Park Drive; Tax Map 43, Grid 21, Parcel 507.

Owner: ALM American Construction, Inc.

Present: Jerry Nokleby, Nokleby Surveying Inc.

Mr. Shire explained that the original PUD was approved in 1982. The overall residential density allowed in this PUD is 5.4 units per acre, and this request will increase the density to 5.9 units per acre. The older portion of the PUD, which is on the south side of Pegg Road, will not be directly impacted by the major amendment since this area is near build-out. Mr. Shire explained that staff supports the change in use of the property because the proposed residential use will be more compatible with the Comprehensive Plan and the underlying RL zone.

Mr. Shire explained that if the property were to develop commercially, the PUD may be able to support 98,000 square feet of commercial or retail space, based on consideration of the RL floor ratio. Mr. Nokleby stated that he does not feel that this would be something that anyone would want.

The Chair opened and closed the hearing to public comment. There were no comments

Mr. Reeves moved that having accepted the staff report and having found that the requested major change as defined in Section 44.4.4 of the Comprehensive Zoning Ordinance, is consistent with the intent of, and will not directly affect the older portion, of the PUD; and whereas the proposed amendment will bring the PUD into compliance with Sections 44.4 and 44.7, of the Comprehensive Zoning Ordinance, and be compatible with the surrounding development, the County Comprehensive Plan and the underlying RL zone; the Planning Commission forward a favorable recommendation be made to the Board of County Commissioners. The motion was seconded by Mr. Thompson and passed by a 7-0 vote.

DEVELOPMENT REVIEW

PSUB #05-120-004 – RANIERI RUN SUBDIVISION

The applicant is requesting preliminary review and approval of a 109-lot major subdivision. The property contains 58.22 acres; is zoned Residential Low-Density District (RL); and is located on Willows Road in Lexington Park, Maryland; Tax Map 51, Grid 22, Parcel 272.

Owner: Sturbridge Willows Road, LLC
Present: Larry Day, The Tech Group, Inc.
Tim Price, Sturbridge Willows Road, LLC

Mr. Bowles reviewed the staff report and explained that staff feels that the project meets the requirements of the Zoning Ordinance for preliminary plan approval.

Mr. Thompson asked Mr. Price about the traffic improvements that are needed in the area. Mr. Price explained that, based on the existing traffic study, there is a queuing issue at the intersection of MD 246 and Shangri La Drive, which has prompted a need to extend the turn lane onto Shangri La Drive by one car length. He explained that this conflicts with State Highway Administration's (SHA) current street plan. He stated that the Applicant is willing to contribute a fee toward mitigation and to make the improvements; however the Department of Public Works and Transportation (DPW&T) and SHA are trying to determine the best solution. Mr. Bowles explained that they are also asking for a contribution toward a traffic light at MD 5 and Willows Road. He stated that they are still trying to work

out these issues. Mr. Price explained that it is his understanding that the traffic light is not an open issue, and they have offered an amount toward this.

Mr. Chase expressed concern about the traffic issues in relation to the number of housing developments that will be in this area. Mr. Bowles explained that as housing developments are constructed, they will be contributing to the cost of the traffic light. Mr. Thompson explained that this is the first project in which he recalls the Applicant having to pay for a traffic light, and asked if this occurs often. Mr. Bowles replied that the State sometimes requests a fee for this. Mr. Shire explained that this is occurring more often now than it used to.

Ms. McNeill asked how long it usually takes for the traffic light to be installed. Mr. Bowles explained that he was not sure how long it takes and that he would have to check with DPW&T. Mr. Day explained that there is not a need for the traffic light at this time. He explained that DPW&T is collecting funds, and that each developer is expected to pay their fair share of the mitigation costs to have the traffic light installed. Ms. McNeill asked how they determine the fair share to be contributed. Mr. Day explained that this is calculated by SHA and DPW&T, and he thinks it is calculated on a per unit basis.

Mr. Evans asked for details about how contributions are made. Mr. Canavan explained that if a contribution is made toward roads, it is delivered to LUGM or DPW&T. He explained that the contribution is normally in the form of a check which is deposited into an escrow account, so the contribution is accountable and able to be tracked. After the funds are accumulated, the improvements can be made, and LUGM works with SHA on this. Mr. Evans asked if the mitigation contribution for this project could be used toward another project. Mr. Canavan explained that the contribution for this project will only be used toward this traffic light. SHA will perform the traffic study and determine when it would be appropriate to install the traffic light.

Mr. Thompson moved that having accepted the staff report and having made findings pursuant to Section 30.5.5 of the 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 final traffic improvements. The motion was seconded by Ms. McNeill and passed by a 7-0 vote.

CWSP #05-131-032 – GLAZED PINE CONCEPT PLAN

The applicant is requesting review of a concept development site plan for 1,200 square foot commercial and 1,022 residential units, in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 208.6 acres; is zoned Office Business Park (OBP), Residential Low-Density District

(RL); and is located at 20995 Hermanville Road in Lexington Park, Maryland; Tax Map 52, Grid 7, Parcel 105.

Owner: Liberty Home Builder
Present: John Norris, NG&O Engineering, Inc.
Guy Curley, Liberty Home Builder

Mr. Bowles explained that a pre-application meeting was held at LUGM on 8/25/04 and the site plan was reviewed during the August 2005 TEC review cycle. During the Lexington Park Development District Plan (LPDDP) hearing, the Applicant requested a re-zoning of this property in order to conform to the concept request. Mr. Bowles explained that staff supports approval of the concept plan in order to amend the CWSP, and the Planning Commission will have the opportunity to review the project in various stages.

Ms. McNeill asked how this project fits into the Lexington Park Development District Master Plan, and how it relates to the Air Installations Compatible Use Zone (AICUZ), since the property is situated across from the Naval Air Station. Mr. Jackman explained that the property is located in the heart of the LPDD, and that the Naval Air Station's Gate 1 is not far from it. The Planning Commission held a public hearing in August 2005 to consider text amendments for the OBP and Downtown Mixed Use (DMX) zones, as well as to consider a concept for a residential component in the OBP zone. Mr. Jackman explained that this concept is still being reviewed by the BOCC; however the concept would not allow any residences inside of the AICUZ. The residential component would be located to the west of the AICUZ boundary. Mr. Norris explained that there are no residential developments proposed with this request, and that he and Mr. Curley are trying to follow the County's guidelines.

Mr. Curley explained that the residential component has been designed per the guidelines for the OBP zone, and that the process has been difficult because there are changes being considered for this zone. He explained that he intends to introduce a single-family or duplex component to the concept plan. Mr. St. Clair asked if this development will consider workforce housing. Mr. Curley replied that it will, and explained that there will be a rental component, as well as for-sale condominium and single-family or duplex components. The commercial component will have an office/business park and community center with a fitness club. Ms. McNeill asked if most of this development will be multi-family workforce housing and not single-family housing. Mr. Curley explained that the concept plan shows all multi-family units, but that they are working on single-family and duplex units. The property is made up of six different parcels, with the majority zoned OBP and one parcel zoned RL. He explained that they made a request to the Planning Commission

to have all of the parcels zoned OBP, Residential-High Density (RH), or RL depending on the OBP text amendments. He reiterated that it is difficult to design the site until they know the final rules for each component.

Mr. Evans asked Mr. Canavan about the status of the OBP text amendments. Mr. Canavan explained that he had a review session with the BOCC two weeks ago, and is now moving forward with legislative action. The legislation has been prepared for review by the BOCC for their approval or modification, and would allow residential uses in the OBP zone. He explained that there would be no residential uses within the AICUZ, but that they may be located outside of this zone. He stated that LUGM will prepare maps to indicate the zoning of properties in the OBP zone when the legislative action is approved so the rules will be clear. Mr. Evans asked Mr. Canavan for a sense of timing for the legislative action. Mr. Canavan explained that he would like to have the OBP legislative action back to the BOCC in two weeks.

Mr. Evans moved that having accepted the staff report, 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-6 and S-6 to W-3D and S-3D, and noting that the site plan must return to the Planning Commission for concept review and approval in accordance with Zoning Ordinance Section 60.5, the Planning Commission grant concept plan approval. The motion was seconded by Mr. Hayden and passed by a 7-0 vote.

ANNOUNCEMENT

The Chair announced that the public hearing for the TDR Program is scheduled for April 10, 2006 at 6:30pm in Building 2 of the Southern Maryland Higher Education Center, located at 44219 Airport Road in California, Maryland.

ADJOURNMENT

The meeting was adjourned at 7:14 p.m.

Keona L. Courtney
Recording Secretary

Approved in open session: April
10, 2006

Joseph St. Clair
Chairman