

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, April 11, 2005**

Members present were Larry Greenwell, Chairman; Joseph St. Clair, Vice Chair; Lawrence Chase; Julia King; Steve Reeves; and Howard Thompson. Bryan Barthelme was excused. Department of Land Use and Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Phil Shire, Planner IV; Mark Kalmus, Planning Technician; and Sharon Sharrer, Recording Secretary. Deputy County Attorney Heidi Dudderar was also present.

The Chair called the meeting to order at 6:32 p.m.

APPROVAL OF MINUTES – The minutes of March 28, 2005 were approved as recorded.

OLD BUSINESS

**CWSP #05-120-003 – GRANDVIEW HAVEN SUBDIVISION, Phase 2 –
CWSP AMENDMENT**

The applicant is requesting amendment to service area map III-18 to change the service category from NPS (No Planned Service) to RW (Rural Water). The property contains 151.988 acres; is zoned Rural Preservation District (RPD); and is located at 29282 Point Lookout Road; Tax Map 18, Grid 11, Parcel 13.

Owner: Arrowhead, LLC

A public hearing was opened on March 28, 2005. At that time the Planning Commission continued the public hearing until April 11, 2005 to allow the developer the opportunity to answer any questions that might come up during the public hearing.

Due to a notification error, the public hearing for Grandview Haven Subdivision, Phase 2, has been terminated. The applicant will restart the process and return to the Planning Commission for a public hearing at a later date.

**OFFICE BUSINESS PARK (OBP) ZONING ORDINANCE TEXT
AMENDMENT**

Regarding the amendments to the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) Section 30.4, Purposes of Base Districts; Section 31.13, Purpose of the Office and Business Park District (OBP); Schedule 32.1, Development Standards; Schedule 32.2, Modifications to Development Standards; Section 50.4, Use Classifications, Use Types, and Locations within Zoning Districts; and Section 51.3, Specific Regulations and Standards.

Legal ads were published on 1/19/05 and 1/26/05 and copies of the proposed amendments have been available for inspection.

The Planning Commission conducted and closed a public hearing on February 14, 2005. The record was left open for ten (10) days for written comment at that time.

Mr. Jackman explained that staff had continued the analysis of the Office Business Park (OBP) and Downtown Core Mixed Use District (DMX) zones, and their respective purposes in guiding development and promoting revitalization. He suggested that the relationship between these zones and the potential effectiveness of the DMX could be maintained, and even improved, by increasing the allowable density of the DMX to thirty units per acre and reducing or removing the requirement for the use of Transferable Development Rights (TDRS).

Robin Finnacom, Executive Director of the St. Mary's County Community Development Corporation, expressed her appreciation to the Planning Commission for taking the time to look at the changes in the OBP and their possible impact on the DMX. She expressed concern that eliminating the zoning preferences in the DMX could result in diminishing use of the DMX zone. Ms. Finnacom explained that she strongly supports staff's recommendation to increase the allowable density in the DMX, which she feels would help to recapture that zoning preference. She recommended eliminating the burden of TDRS in the DMX.

Mr. St. Clair moved that having conducted a public hearing, the Planning Commission forward a recommendation to the Board of County Commissioners to amend the St. Mary's County Comprehensive Zoning Ordinance, as described in Attachment 1 to the staff report dated April 11, 2005, with the instruction to staff to remove the requirement for TDRS in the DMX zone. The motion was seconded by Mr. Thompson and passed by a 6-0 vote. The Planning Commission authorized the Chairman to sign a Resolution to transmit this recommendation to the Board of County Commissioners.

REQUEST FOR WAIVER

SPEC #04-120-009 – WOODS AT MYRTLE POINT, Section 1, Phase 2

The applicant is requesting that the Planning Commission consider the placement of stormwater management facilities within the transportation bufferyard, in accordance with the St. Mary's County Zoning Ordinance #90-11. Section 55.00.8, Bufferyard Use. The property contains 286.3 acres; is zoned Residential Low Density District (RL); and is located on Placid Hill Road in California, Maryland; Tax Map 34, Grids 6 & 11, Parcels 484, 585, 586, & 587.

Owner: Myrtle Point Partnership, LLP c/o P. F. Summers Myrtle Point, LLC
Agent: Jim Gotsch, of Loiederman Soltesz Associates, Inc.

Mr. Shire explained that, under Article 5 of St. Mary's County Zoning Ordinance 90-11, the Planning Commission had authority to grant waivers to allow some flexibility in design. He explained that Zoning Ordinance 90-11 required a 75-foot transportation bufferyard along major collector, and higher, classes of roads. Stormwater structures within the buffer were prohibited, unless a waiver was specifically granted by the Planning Commission. Mr. Shire explained that the real intent of the bufferyard can be maintained with plantings, screening, and landscaping.

Mr. Gotsch explained that this stormwater management facility was part of a two pond system when the original Woods at Myrtle Point plans were developed. Since the ground slopes down toward the road, the only way to catch all of the run-off is to put the pond at the bottom of the hill.

Mr. Thompson moved that having accepted the staff report, dated April 5, 2005; and having made a finding that the requested placement of stormwater management pond #2 of the referenced project within the transportation bufferyard meets the intent of the St. Mary's County Comprehensive Zoning Ordinance; the Planning Commission approve the waiver request with the following conditions:

1. The required chain link fence and posts shall be black vinyl-clad.
2. To further screen the facility, evergreen plantings comparable to a C3 bufferyard shall be installed along three sides visible from Patuxent Blvd. and Placid Hill Road. The south side will be reforested and placed in a forest conservation easement. In order to preserve the sight distance easement across a portion of the facility site, evergreen shrubs not exceeding four feet high shall be substituted for canopy and understory trees.

The motion was seconded by Mr. Chase and passed by a 6-0 vote.

FAMILY CONVEYANCE

MSUB #04-110-104 – BREEN SUBDIVISION

The applicant is requesting preliminary review of an additional lot on a private road in accordance with the St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, family conveyance provision. The property contains 10.1 acres; is zoned Rural Preservation District (RPD); and is located at 27420 Fred Lane in Mechanicsville, Maryland; Tax Map 14, Grid 1, Parcel 175.

Owner: Edward Breen
Agent: Jerry Nokleby, of Nokleby Surveying, Inc.

Mr. Shire explained that approval of this request would bring the number of users on this private road to approximately 17. A road maintenance agreement, or an addendum to the existing road maintenance agreement, would be recorded with the subdivision plat if this request is approved by the Planning Commission.

Fred Wood, a resident of Fred Lane, explained that the existing road is one he built on his property in 1974. He said that he maintains the road, but that all of the users do all contribute to the cost of the maintenance. Mr. Wood explained that there are currently 10 houses on this road and there is already too much dust with the current users. He asked the Planning Commission to deny this request for an additional lot on the road.

Commission members asked about the discrepancy between the ten house and the 16 existing users shown in the staff report. Mr. Shire explained that there could be vacant parcels which have an inherent building right. Mr. Shire explained that the legal department has not had the opportunity to review all of the existing documents on record including plats, deed, and maintenance agreements.

Mr. Breen, the applicant, said that he wants to subdivide his property to allow his son to build a house on the property. He explained that the same request for an additional user on this private road had recently been granted for Mr. Wood, when he asked to subdivide his own property for a son to build a home. He asked that the Planning Commission grant the same request for him as had recently been granted for Mr. Wood.

The Planning Commission agreed to table further discussion until their meeting on April 25, 2005 to allow the legal department the opportunity to review the existing documents on record, including plats, deeds, and maintenance agreements.

DEVELOPMENT REVIEW

CCSP #97-2596 – ST. JOHN’S PARISH CENTER

The applicant is requesting review and re-approval of a concept site plan for a 16,254 square foot multi-purpose facility. The property contains 40.14 acres; is zoned Residential Low Density District (RL); and is located on the south east corner of the intersection of St. John’s Church Road and MD Route 235 (Three Notch Road); Tax Map 27, Grid 19, Parcel 71.

Owner: St. John’s Church
Agent: Pat Mudd, of Day Tech Engineering

Mr. Shire explained that the applicant has been working over the years with State Highway Administration (SHA) to get a southern access out onto MD Route 235, to help alleviate some of the congestion at the intersection of St. Johns Road and MD Route 235. The facility will be hooking up to public water and sewer, and has already been through the water and sewer amendment process.

Mr. Thompson moved that having accepted the staff report, dated April 5, 2005; and having made a finding that the objectives of Section 60.5.3 of the St. Mary’s County Comprehensive Zoning Ordinance have been met; and noting that the referenced projects has met all requirements for concept approval; the Planning Commission re-approve the concept site plan. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

CCSP #05-132-007 – CENTURY 21 OFFICE SITE

The applicant is requesting review and approval of a concept site plan for a 12,000 square foot real estate office. The property contains 0.858 acres; is zoned Corridor Mixed Use District (CMX), Airport Overlay (AE); and is located on the west side of MD Route 235, 180 feet north of its intersection with First Colony Blvd. in California, Maryland; Tax Map 34, Grid 23, Parcel 490.

Owner: Casimir & Mary Szlendak
Agent: John B. Norris, Jr., of NG&O Engineering, Inc.

Mr. Shire explained that the applicant has worked to provide inter-parcel access without intruding in the County Commissioners’ right-of-way. Commission members questioned why access to First Colony was not being provided through the developments along MD Route 235. Mr. Shire explained that the location of the hiker-biker trail is one of the primary reasons that this type of access is not allowed. There is also the concern that the access might be used as a short cut in and out of the First Colony Shopping Center.

Mr. Reeves moved that having accepted the staff report, dated April 4, 2005; and having made a finding that the objectives of Section 60.5.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met; and noting that the referenced project has met all requirements for concept approval; the Planning Commission approve the concept site plan. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

CWSP #05-132-011 – TOYOTA OF SOUTHERN MARYLAND

The applicant is requesting review and approval of a concept plan for an auto dealership, in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 6.9 acres; is zoned Corridor Mixed Use District (CMX); and is located on the northbound side of MD Route 235, approximately 1,400 feet south of Rue Purchase Road; Tax Map 43, Grids 9 & 10, Parcels 281, 44, 45, 426, and 157.

Owner: 235 Realty, LLC

Mr. Thompson moved that having accepted the staff report, dated April 4, 2005; 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; the Planning Commission approve the concept plan. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

SSUB #04-120-025 – AVONLEA SUBDIVISION, Section 2, Phase 2

The applicant is requesting preliminary review of 11-lots in a major subdivision. The property contains 51.78 acres; is zoned Rural Preservation District (RPD); and is located on the south side of Guy Family Drive, approximately 1,400 feet east of Mechanicsville Road; Tax Map 9, Grid 19, Parcel 127.

Owner: William E. & Margaret A. Guy
Agent: William Higgs, of Little Silences Rest, Inc.

Mr. Shire explained that this subdivision was vested under the prior Zoning Ordinance (90-11). Preliminary approval will vest this phase of the development for two years, in order to obtain final approval and go to record. The final phase, Section 2, Phase 3, has not yet undergone TEC review.

Mr. Reeves moved that having accepted the staff report, dated April 5, 2005; and having made a finding of adequate facilities, except for

stormwater management, as noted on the checklist in the file; and noting that the referenced project must meet all TEC agency requirements and return to the Planning Commission for final approval; the Planning Commission approve the preliminary subdivision plan. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

ALPD #05-150-001 – LUMPKINS MALPF DISTRICT

The applicant is requesting recommendation to the Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) establishment. The property contains 87.0 acres; is zoned Rural Preservation District (RPD); and is located on Green Hill Farm Lane in Leonardtown, Maryland; Tax Map 33, Grid 13, Parcel 21.

Owner: Joseph E. & Doreatha L. Lumpkins
Agent: Donna Sasscer, Ag/Seafood Development Manager

Ms. Sasscer explained that the eligibility criteria for District establishment requires a minimum district size of 50 contiguous acres and that the productivity of the soil must meet USDA Soil Conservation Land Classification which requires at least 50% of the land to have Class I, II, & III soils; or, if the land is wooded, 50% of the land must have Woodland Group I or II soils; or a combination of the two must exceed 60%. She explained that none of these properties submitted for approval are within the County's ten (10) year Water and Sewer Plan, and all of these properties meet the minimum criteria of the Maryland Agricultural Land Preservation Foundation.

Mr. Reeves moved that having made the finding that ALPD #05-150-001 property, owned by Joseph & Doreatha Lumpkins, meets the Maryland Agricultural Land Preservation Foundation criteria, the Planning Commission recommend that the property be forwarded to the Board of County Commissioners for approval. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

ALPD #05-150-002 – HORSTKAMP MALPF DISTRICT

The applicant is requesting recommendation to the Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) establishment. The property contains 65.43 acres; is zoned Rural Preservation District (RPD); and is located at 36498 Millpoint Road in Maddox, Maryland; Tax Map 22, Grid 18, Parcel 5.

Owner: James & Hana Hostkamp
Agent: Donna Sasscer, Ag/Seafood Development Manager

Mr. Reeves moved that having made the finding that ALPD #05-150-002 property, owned by James & Hana Horstkamp, meets the Maryland Agricultural Land Preservation Foundation criteria, the Planning Commission recommend that the property be forwarded to the Board of County Commissioners for approval. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

**ALPD #05-150-003 – OLD GUM SUPPLY COMPANY, LLC
MALPF DISTRICT**

The applicant is requesting recommendation to the Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) establishment. The property contains 96.9 acres; is zoned Rural Preservation District (RPD); and is located on the east side of Colton Point Road in Bushwood, Maryland; Tax Map 38, Grid 10, Parcel 206.

Owner: Old Gum Supply Company LLC
Agent: Donna Sasscer, Ag/Seafood Development Manager

Mr. St. Clair moved that having made the finding that ALPD #05-150-003 property, owned by Old Gum Supply Company, LLC, meets the Maryland Agricultural Land Preservation Foundation criteria, the Planning Commission recommend that the property be forwarded to the Board of County Commissioners for approval. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

ALPD #05-150-004 – FARR MALPF DISTRICT

The applicant is requesting recommendation to the Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) establishment. The property contains 136.275 acres; is zoned Rural Preservation District (RPD); and is located at 39350 Montpelier Road in Leonardtown, Maryland; Tax Map 31, Grid 10, Parcel 79.

Owner: James S. Farr
Agent: Donna Sasscer, Ag/Seafood Development Manager

Mr. St. Clair moved that having made the finding that ALPD #05-150-004 property, owned by James S. Farr, meets the Maryland Land Preservation criteria, the Planning Commission recommend that the property be forwarded to the Board of County Commissioners for approval. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

ALPD #05-150-005 – CROPPER MALPF DISTRICT

The applicant is requesting recommendation to the Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) establishment. The property contains 51.44 acres; is zoned Rural Preservation District (RPD); and is located at 40570 Old Breton Beach Road in Leonardtown, Maryland; Tax Map 48, Grid 20, Parcel 62.

Owner: Dale T. Cropper
Agent: Donna Sasscer, Ag/Seafood Development Manager

Mr. Reeves moved that having made the finding that ALPD #05-150-005 property, owned by the estate of Robert Brubacher and under contract by Dale T. Cropper, meets the Maryland Agricultural Land Preservation Foundation criteria, the Planning Commission recommend that the property be forwarded to the Board of County Commissioners for approval. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

ALPD #05-150-006 – CLAY MALPF DISTRICT

The applicant is requesting recommendation to the Board of County Commissioners for approval on proposed Agricultural Land Preservation District (ALPD) establishment. The property contains 20.0 acres; is zoned Rural Preservation District (RPD); and is located at 21985 Colton Point Road in Avenue, Maryland; Tax Map 38, Grid 16, Parcel 142.

Owner: William & Kathy Clay
Agent: Donna Sasscer, Ag/Seafood Development Manager

Mr. St. Clair moved that having made the finding that ALPD #05-150-006 property, owned by William & Kathy Clay, meets the Maryland Agricultural Land Preservation Foundation criteria, the Planning Commission recommend that the property be forwarded to the Board of County Commissioners for approval. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

REQUEST FOR EXTENSION OF VESTING PURSUANT TO SECTION 27.4 OF THE ZONING ORDINANCE

SSUB #04-120-037 – FORREST FARM, Section 3, Phase VIII-X

The applicant is requesting extension of vesting of phasing of a major subdivision. The property contains 775.3 acres; is zoned Rural Preservation District (RPD); and is located at Tax Map 33; Grids 10, 11, 16, 17, and 23; Parcel 24.

Owner: Qualshire Land Development LLC c/o Quality
Built Homes, Inc.
Agent: Chris Longmore, of Dugan, McKissick, Wood &
Longmore

Mr. Shire explained that this development, as well as the two developments that follow, were vested under the old Zoning Ordinance (90-11). Vesting under the Grandfathering of Phasing or Staging Plans and Schedules in Section 27.4.2 of the new Comprehensive Zoning Ordinance (02-01) provides the opportunity to extend this deadline by two years with a compelling reason. All three of these developments are within the Leonardtown school district. Due to the requirement for a finding of Adequate Public Facilities (APF), and the inability of developments to meet that requirement for school capacity at this time, no developments can be approved until school capacity becomes available.

Mr. Shire explained that staff maintains that these developments do need to meet APF for schools, even though they are vested under the old Zoning Ordinance. There is a difference of interpretation on this requirement, and the matter has been deferred to the legal department for input on the school issue alone. Staff supports the extension until it is resolved, or until there is available school capacity.

Mr. Longmore, representing Forrest Farm, Porto Bello Estates, and Woods at Myrtle Point, explained that his clients do not feel that they need an extension. They feel that they are grandfathered under the old Zoning Ordinance and have met all of the deadlines of the phasing and staging plans. Preliminary subdivision plan approvals have been submitted to be considered by the Planning Commission. Mr. Longmore said that his clients have been denied access to the Planning Commission to have those plans reviewed due to the interpretation of staff as to how APF is determined for these projects. He explained that his clients are not asking for an extension of any of the plans, to extend the deadlines further out than they were originally approved for. They believe they have done everything they are required to do under the Ordinance that governs their phasing and staging plans. Mr. Longmore asked

Mr. Thompson moved that having accepted the staff report, dated April 5, 2005; and having made findings pursuant to Section 27.4.2 (a-d) of the St. Mary's County Comprehensive Zoning Ordinance (*Criteria for Revision of a Grandfathered Phasing or Staging Plan and Schedule*), the Planning Commission approve the revision to extend the plan until May 13, 2007. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

**SSUB #03-120-007 – PORTO BELLO ESTATES, Phase 2,
Section 2**

The applicant is requesting extension of vesting of phasing of a major subdivision. The property contains 338.46 acres; is zoned

Rural Preservation District (RPD); and is located at Tax Map 62, Grid 9, parcel 33.

Owner: Porto Bello Development
Agent: Chris Longmore, of Dugan, McKissick, Wood & Longmore

Mr. Thompson moved that having accepted the staff report, dated April 5, 2005; and having made findings pursuant to Section 27.4.2 (a-d) of the St. Mary's County Comprehensive Zoning Ordinance (*Criteria for Revision of a Grandfathered Phasing or Staging Plan and Schedule*), the Planning Commission approve the revision to extend the plan until May 13, 2007. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

SSUB #04-120-032 – WOODS AT MYRTLE POINT, Sections 1-6

The applicant is requesting extension of vesting of phasing of a major subdivision. The property contains 286.3 acres; is zoned Residential Low Density District (RL), Resource Conservation Area (RCA) Overlay; and is located at Tax Map 34, Grid 11, Parcel 587.

Owner: Myrtle Point Partnership LLP
Agent: Chris Longmore, of Dugan, McKissick, Wood & Longmore

Mr. Thompson moved that having accepted the staff report, dated April 5, 2005; and having made findings pursuant to Section 27.4.2 (a-d) of the St. Mary's County Comprehensive Zoning Ordinance (*Criteria for Revision of a Grandfathered Phasing or Staging Plan and Schedule*), the Planning Commission approve the revision to extend the plan until May 13, 2007. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

DISCUSSION/REVIEW

TEXT AMENDMENT DISCUSSION REGARDING SITE LIGHTING STANDARDS AND PARKING REQUIREMENTS

Lighting Standards

Mr. Shire led a brief discussion on a proposed text amendment to increase the height of exterior lighting fixtures and to measure the average maximum lighting levels. He explained that both safety and compatibility issues will be taken into account in the effort to make the Ordinance more workable. Mr. Canavan explained that both experts in the field of lighting and diagrams will be available when the proposal returns to the Planning Commission.

Parking Requirements

Mr. Shire led a brief discussion on a proposed text amendment to authorize the Planning Director to approve less than the maximum number of off-street parking spaces. He explained that some flexibility is needed, to allow less than the maximum amount of parking to be approved. The current Ordinance states required maximum parking limits. Language is needed to provide the flexibility to allow less than the maximum amount of parking currently shown in the Ordinance.

ADJOURNMENT

The meeting was adjourned at 8:37 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session: April
25, 2005

Larry Greenwell
Chairman