

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, April 12, 2004**

Members present were John Taylor, Sr., Chairman; Lawrence Chase, Julie King, Steve Reeves, Joseph St. Clair and new member Howard Thompson. LUGM staff present was Denis Canavan, Director; Phil Shire, Planner IV; Jeff Jackman, Senior Planner; Bob Bowles, Planner I and Janice C. Blackistone, Fiscal Specialist (backup for Recording Secretary). County Attorney Heidi Dudderar was also present.

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

APPROVAL OF MINUTES – The minutes of March 22, 2004 were approved as recorded.

PUBLIC HEARING

ST. MARY'S COUNTY COMPREHENSIVE ZONING ORDINANCE AND SUBDIVISION ORDINANCE

Legal Ad published in The Enterprise on 3/24/04 and 3/31/04

Mr. Canavan presented the proposed text amendments for the St. Mary's County Comprehensive Zoning Ordinance (Zoning Ordinance) and Subdivision Ordinance to allow more than five (5) lots to be served by a private road. Mr. Canavan said this amendment would allow the opportunity for additional residential lots to be located on a private road. He said as a follow up, there would be a public hearing before the Board of County Commissioners on April 20, 2004.

Mr. Canavan started with the changes to the Subdivision Ordinance as follows:

Chapter 24 - Page 24-1, Section 24.3 Grandfathering Provisions, add the following new section:

- “3. Private right-of-ways recorded before May 13, 2002 may serve up to five (5) lots or an unlimited number of farmsteads. Development or subdivision proposals submitted after May 13, 2002 for more than five (5) lots, excluding farmsteads, to be served by a private right-of-way, may only be approved by the Planning Commission pursuant to Section 30.11.4 of this Ordinance, or by variance.”

Chapter 30 – Page 30-9, Line 31, delete “to serve a limited number of large rural lots,”

Chapter 30 – Page 30-9, Section 30.11.2.a, Line 40, delete “such” and add “served by private road of private easement” after “lot or lots”.

Chapter 30 – Page 30-9, Line 41, substitute “owner” for “applicant.”

Chapter 30 – Page 30-9, Line 46, delete the word “minor.”

Chapter 30 – Page 30-10, Line 1: Add a new number “4. Family Conveyance Provisions” and renumber the succeeding numbers.

“4. Family Conveyance Provisions: The Planning Commission may approve an additional lot(s) on a private road for purposes of a family conveyance, providing the following requirements are met:

- a. The sale or transfer of such lot(s) shall be limited to the property owner(s) of record on or before (the effective date of this amendment).
- b. The lot to be conveyed shall only be conveyed to a family member, being father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter of the grantor.
- c. A family member shall not receive more than one lot.
- d. The property owner shall demonstrate that the private road as designed complies with the standards for private roads in this Ordinance and is adequate to accommodate the additional traffic generated by the lot(s). Private roads created within a property being subdivided shall meet the private road standards of this Ordinance.
- e. After approval of a family conveyance, and prior to the recordation of the plat, the grantor of the family conveyance lot shall enter into an agreement with the County that:
 1. contains the grantor’s obligations under this section;
 2. is recorded in the land records of St. Mary’s County;
 3. is noted on the subdivision plat; and
 4. prohibits the grantee from transferring the conveyed lot to a third party for at least five years from the date of final approval of the family conveyance, except in a case of severe hardship,

as determined by the Director of Land Use and Growth Management.

- f. Access on and use of the private road must be assured by the property owner.
- g. A grantee of a lot created by these provisions may not be a grantee in another conveyance in the same subdivision or any other subdivision using these provisions.
- h. The provisions of this section shall not prohibit the conveyance of interest in a lot to a third party as security for a mortgage or deed of trust.”

Chapter 30 – Page 30-10, under new subsection “5. General Provisions”, in paragraph (b), substitute “Land Use and Growth Management” for “Planning and Zoning”.

Chapter 30 – Page 30-10, in paragraph (c), add “and lots approved through the family conveyance provisions of this Ordinance”, after “All subdivisions, except farmsteads”.

Chapter 30 – Page 30-10, in paragraph (f), in the first line, strike “or units”.

Chapter 30 – Page 30-10, line 36, change “Table 30.11.3” to “Table 30.11.6”.

Chapter 30 – Page 30-11, renumber “5. Design Standards” to “6. Design Standards”.

Chapter 30 – Page 30-11, line 47, change “Table 30.11.3” to “Table 30.11.6”.

Chapter 30 – Page 30-12, line 24, change “Table 30.11.3” to “Table 30.11.6”.

Chapter 30 – Page 30-12, new Table 30.11.6, under the fifth column titled “Additional Standards,”, strike the first standard in its entirety and substitute “Addition of 2 foot shoulders”.

Mr. Canavan said the changes to the Zoning Ordinance are as follows:

Chapter 51 – Page 51-1, Line 30, Section 51.2.1.f, delete “development standards as required by Article 6” and substitute “provisions of the St. Mary’s County Subdivision Ordinance, Section 30.11, for lots served by a private drive or road.”

Chapter 61 – Page 61-4, Line 31, Section 61.8.4, add the following sentence to end of paragraph “Private roads, drives, or accesses serving 1-5 lots shall meet the requirements of the St. Mary’s County Subdivision Ordinance for private roads, as amended from time to time, in lieu of the foregoing.”

Chapter 70 – Page 70-6, after line 25, Section 70.7.2, add “e. The project must comply with the provisions of the St. Mary’s County Subdivision Ordinance for private roads, as amended from time to time, for lots served by a private drive or road.”

The Commission opened to public comment.

Kelly Martin, 25441 Hemming Lane in Hollywood, stated she agrees with the recommendations that Mr. Canavan has proposed to help to convey land to the homeowner’s grandchildren.

Joyce Downs, on Church Lane in Mechanicsville, stated she owns and lives on her private road for 21 years. She stated she gave some builders access to her private road to build four houses next to her with the idea that eight houses could be on a private road. She said last year her daughter got married and wanted to build a house on this road, but her daughter can not use her private road because there are more than five houses already located on her private road. She further said she has been waiting a year and two months to see what could be done for her daughter and she hopes the Commission will approve this amendment.

Michelle Wood, Lindsay Way in Mechanicsville, said she lives on a private road with five houses. She said she went through all of this 4 ½ years ago, with too many houses on a private driveway now her parents need to go through the same process. Ms. Wood excused herself, she was too emotional to continue.

Sharon Williams, lives in Mechanicsville, stated she is Michelle Wood’s mom and this process has been very upsetting to her daughter. She said she owns 16 acres and gave her daughter 3 acres but because of financial changes, she wants to sell their home and build another home. She stated she is confused about the changes to the text amendments and asked the Commission would she be able to sell her home to someone outside of the family and still be able to build another home herself. The Chair asked how many homes are located on her private road. Ms. Williams replied there are five homes on her private road. Mr. Canavan stated he would work with Ms. Williams to create a subdivided lot for her purposes so she would be able to build.

Tommy Bell, lives on Breton Bay Farm Road in Medley’s Neck, stated he is very happy with the proposed changes to the text amendments. He

said it seems there is common sense back into St. Mary's County Government and hopes the Commission will approve these text amendments. He stated his brothers, sister and he are at this meeting to support their children. He said they have been fighting this battle for 15 years to give their children a place to live on the farm.

The Commission closed the public hearing.

The Chair said normally when a public hearing is held the record is left opened for a period of two weeks but since all of the proposed text amendments are a positive change, the Commission will proceed forward and sign the Resolution.

Mr. St. Clair moved that, the Commission signed the Resolution and voted to recommend to the Board of County Commissioners the proposed amendment for Comprehensive Zoning Ordinance Chapter 51 for Use Regulations and Standards, Chapter 61 for General Development Standards and Chapter 70 for Adequate Public Facilities, and Subdivision Ordinance Chapter 24 for Vested Rights and Authority to Continue Nonconforming Projects and Chapter 30 for General Subdivision Platting. The motion was seconded by Mr. Thompson, passed by a vote 6-0.

DEVELOPMENT REVIEW

FSUB #03-140-019 – EMERALD HILLS ESTATES – PHASE IV

Requesting final approval of Phase IV, 20-lots in a major subdivision. The property contains 15.56 acres, is zoned PUD 2.0, AICUZ – APZ2 Overlay, and is located on the west side of Willows Road, approximately 3,000 feet south of its intersection with Shangri-La Drive; Tax Map 51, Block 4, Parcels 176, 345 and 126.

Owner: RPM Homes, Inc.
Present: Jerry Nokleby, of Nokleby
Surveying, Inc.

Mr. Shire said this PUD was approved in 1978 and established a zoning density of two (2) dwelling units per acre, and is consistent with the aircraft over-flight overlay (APZ-2). He said the proposed plan represents Phase IV, containing 20 lots, of a five-phase plan, which built out will be 83 single family lots and six townhouses. He further said the approval of these proposed 20 lots will complete the single family portion of the phasing plan. Mr. Shire stated all applicable Technical Evaluation Committee (TEC) agencies have issued approval for this proposed subdivision.

Mr. Chase moved that, having accepted the staff report dated April 12, 2004 and having made a finding that the adequate public facilities, including stormwater management, as noted on the adequate public facilities checklist, have been met, and noting that the referenced project has met all TEC agency requirements for approval, the Commission granted final subdivision approval for Emerald Hills Estates, Phase IV, containing 20 lots, as requested. The motion was seconded by Mr. Reeves, passed by a vote 6-0.

CCSP #03-120-032 – STALLMAN SUBDIVISION – SECTION 6 – PHASE 1 & 2

Requesting review and approval of a concept site plan for 94-lot major subdivision in order to proceed with the amendment of the Comprehensive Water and Sewerage Plan (CWSP). The property contains 49.16 acres, is zoned RL, and is located on the west side of Chancellors Run Road, approximately 800 feet south of its intersection with Rutherford Drive; Tax Map 43, Block 19, Parcel 120.

Owner: David Lindsey

Mr. Shire said this subdivision plan was reviewed by all the TEC agencies in November 2003. He said the current CWSP sewer category is S-6 and the applicant is requesting an amendment to S-3D to allow the construction to extend and connect to a public sewer system to serve the proposed subdivision.

Mr. Reeves moved that, having accepted the staff report dated April 6, 2004 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 category from S-6 to S-3D, and that the subdivision plan must return to the Planning Commission for preliminary approval, the Commission granted concept site plan approval, as requested. The motion was seconded by Mr. St. Clair, passed by a vote 6-0.

CCSP #03-132-014 – GOOD SAMARITAN LUTHERAN CHURCH

Requesting a review of a concept site plan for a 12,000 square foot sanctuary/education building. The property contains 7.16 square foot, is zoned RMX, and is located on 28050 Langley Road, Great Mills; Tax Map 51, Block 13, Parcel 77.

Owner: Lexington Park Church of the
Good Samaritan
Present: John Parlett, of CMI Associates

Mr. Shire said this concept site plan was reviewed and approved by all the TEC agencies in July 2003.

The Chair asked if there were any comments from the public and hearing none closed to public comment.

Mr. St. Clair moved that, having accepted the staff report dated April 7, 2004 and having made a finding that the objectives of Section 60.5.3 of the Comprehensive Zoning Ordinance have been met, and noting that the referenced project has met all requirements for concept approval, the Commission granted concept site plan approval, as requested. The motion was seconded by Mr. Thompson, passed by a vote 6-0.

CCSP #04-132-003 – SOUTH PLAZA

Requesting a review and approval of a concept site plan for a 97,200 square foot retail center. The property contains 10.98 acres, is zoned CC, AE Overlay, and is located on the northeast side of Old Rolling Road, at its intersection with Three Notch Road; Tax Map 34, Block 23, Parcels 90, 96 and 661.

Owner: FCD Development, LLC
Present: Bijan Azari, of Loiederman,
Soltesz Associates, Inc.
Pat Coggins, of Faison
Chris Cowie, of Cowie Associates PC
Architects

Mr. Shire said this concept site plan was reviewed by all the TEC agencies in March 2004. He stated the traffic mitigation plan is going to provide a benefit to the county with giving the county an alternate parallel access road to Route 235. He said this road will tie into First Colony Shopping Center and ultimately run from Route 4 through Old Rolling Road, and beyond Wal-Mart. He further said this road will require some approvals from State Highway Administration and Department of Public Works and Transportation (DWP&T) with the agencies proposing a traffic signal within the First Colony Shopping Center.

Mr. Shire said the buffering along the highway will have the appearances of being adjacent to Route 235; however, it is adjacent to an old

utility right-of-way with SMECO and the old railway right-of-way, which will lessen the buffer requirements to a 15 foot wide A-buffer yard.

Mr. Coggins stated Faison is a commercial realtor based in Charlotte, North Carolina with offices in Orlando, Florida; Atlanta, Georgia; and Bethesda, Maryland and they were the developer who did the First Colony Shopping Center. He said the proposed project is approximately a 96,000 square foot project and is anchored with wholesale stores, which include Petco, Old Navy, Ross Dress for Less, Best Buys and two out parcels. He further said there are discussions in the works for an additional 7,500 feet for a possible restaurant retail.

Mr. Coggins said they are proposing a connection of traffic from Laurel Glen Shopping Center through their proposed shopping center to the First Colony Shopping Center. He said eventually there would be a corridor road from Wal-Mart Shopping Center reaching to the BJ's Wholesale Club and onto St. Andrew's Church Road. He stated a traffic signal would possibly be installed at the intersection of First Colony Boulevard and the main entrance into First Colony Shopping Center. He said this will mitigate the impact onto Route 235.

Mr. Cowie said the architectural theme of the proposed shopping center would tie in with the colonial theme like First Colony Shopping Center, which includes crown molding, towers and earth tone colors.

Mr. Cowie stated the landscaping would include shrubs with clustering some landscaping together with the signage. He said they would like to take advantage of the master sign plan, which includes four types of signage they would like to include into this project. One type of signage they would like to use is a pile-on sign that would be located at the west and east entrances. The second type of signage would be a monument sign, which would be mounted at the entrance of First Colony. The third type of signage would be a wall mounted sign, making sure the same portion size as the other retail stores. The fourth type of signage would be perpendicular signs for the pedestrians to see as they walk on the side walk to each store.

Mr. Shire asked Mr. Cowie what he meant by pile-on signs. Mr. Cowie replied he meant ground mounted signs.

The Commission asked if the power lines were going to stay above ground. Mr. Cowie replied some of the lines would go underground but the main transmission line, that SMECO has going down the Board of County Commissioners right-of-way, will remain above ground.

The Commission asked if there are any buildings located on this lot. Mr. Coggins replied yes there is an existing building located on this lot. The

Commission said hopefully Historic Preservation Commission could take a look at the building before development.

The Chair asked about stormwater management. Mr. Coggins said his current plan includes a large portion that would be managed underground through infiltration which will give the added benefit of plenty of recharged ground water and the rest will be managed in a pond.

Mr. Shire said they would need to come back for a public hearing to amend the water category.

Mr. Thompson moved that, having accepted the staff report dated April 6, 2004 and having made a finding that the objectives of Section 60.5.3 of the Comprehensive Zoning Ordinance have been met, and noting that the referenced project has met all requirements for concept approval as a prerequisite for amendment of the Comprehensive Water and Sewerage Plan, and prerequisite for final site plan approval, the Commission granted concept site plan approval, as requested. The motion was seconded by Mr. Reeves, passed by a vote 6-0.

DISCUSSION

SUB PLAN SERIES: APRIL – CHESAPEAKE BAY AGREEMENT AND TRIBUTARY STRATEGIES

Present: Jeff Jackman, Senior Planner

Mr. Jackman presented a discussion and review of the Chesapeake Bay Tributary Strategies. He said it is no small task developing a pollution control plan unique to each watershed. Mr. Jackman stated the pollution control options being implemented in each tributary basin are upgrades to wastewater treatment plants, the planting of stream-side forests absorbs nutrient runoff, best management practices reduces agricultural runoff and “smart growth” plans.

ADJOURNMENT – 7:55 p.m.

Janice C. Blackistone
Fiscal Specialist

Approved in open
session: April 26, 2004

John F. Taylor

Chairperson