

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, April 14, 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; Chad Holdsworth, Capital Facilities Planner; Bob Bowles, Planning Specialist; 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 24, 2003 were approved as corrected.

**PUBLIC HEARINGS**

**DRRA #02-146-001 – CLUB PROPERTIES, INC.**

Seeking public comment on a proposed Development Rights & Responsibilities

Agreement

proposed by Club Properties, Inc. for the mixed-use commercial and residential redevelopment

of Lexington Manor. The property contains approximately 85.10 acres, is zoned DMX &

OBP

(APZ-2 Overlay), and is located on the east side of Willows Road, approximately 900 feet

south

of its intersection with Great Mills Road (MD 246); Tax Map 43, Blocks 23/24, P 256 /

258.

Owner: Club Properties, Inc.

Present: Lou Grasso, representing Club Properties, Inc.

Legal Ad published in The Enterprise newspaper on 3/26/03 & 4/2/03

This document is the first such Agreement to be reviewed by the County under ZO #Z-02-01. The Applicant proposes the development of up to 375,000 square feet of mixed-use commercial on the north portion of the property and up to 101 single-family dwelling units on the south portion, including at least 10% for affordable housing. The DRAA stipulates that all new residential construction will comply with AICUZ (Aircraft Installation Compatibility Use Zone) requirements.

A finding that the proposed Agreement is consistent with the Comprehensive Plan and all area plans is required in order for the Agreement to be approved. The Staff Report contains findings that the DRAA is consistent with the Comprehensive Plan, complying with the concept of the Lexington Park Development District and Lexington Park Planning and Design Recommendations, as well as the land use and growth management element, the public and community facilities element, the housing element and the economic development of the Comprehensive Plan.

The current underlying zoning of Office Business Park (OBP) of the proposed residential portion does not permit residential use, and a zoning map amendment will be required prior to execution of the Agreement by the County Commissioners. A rezoning hearing is scheduled before the Planning Commission at the meeting of April 28, 2003. Following a recommendation by the Planning Commission, the applications for the DRRA and the rezoning will proceed to public hearing before the Board of County Commissioners, who have approval authority.

Mr. Grasso stated that, when he first became involved with this property in 1998 he took a narrow view, and it took him 18 months to realize that no redevelopment plan would work until all parties of interest agreed on the plan. The overview presented by Mr. Grasso highlighted an employment center and a main-street pedestrian center, with a new through-traffic street, to be known as Jack Daugherty Boulevard, extending over what is currently known as "Lei Drive" from the Frank Knox Training Center on the east side of MD 235 to Willows Road. This will be the only public road in the development and will include a traffic circle. Mr. Grasso said the development complies with and protects the AICUZ (APZ-2) zone and satisfies the visions of the Lexington Park Tulagi Place Master Plan, providing safe streets, affordable housing, an enhanced tax base, and AICUZ compliance, while eliminating the visual intrusion of the existing "Flat Tops." He said he envisions a major employment center across from the Base and a pedestrian-friendly, visitor-friendly mini-village where people can live, work, and play, with green spaces throughout, adjoining the existing county park.

The 50% of mixed use commercial space will be made up of 25% retail and 25% office, with office space above and retail below in commercial units. The remaining commercial will be "big box" stores. The residential portion will contain 101 duplex residential units on one-half acre lots. Ten (10%) percent of the residential density will be devoted to low-income housing.

A letter from the Chairman of the St Mary's County Historic Preservation Commission advises that the property is historically significant because of its architectural design and its association with World War II. It is the earliest example of modern community planning in St. Mary's County and is on the County's Historic Sites Survey and the Maryland Inventory of Historic Properties. He requests that two of the existing units be retained for their historical significance and included as part of the 10% low-income housing.

The Chair noted that the DRRRA, if approved, simply preserves the Applicant's rights under the existing Zoning Ordinance for seven years, and the development will have to go through the entire approval process, like every other development.

Questions from the Commission members concerned aircraft noise and stormwater management. Mr. Grasso said the County has included a provision in the DRRRA that will require them to put purchasers on notice that the residential property is on an extended line of the Navy's runway. He added there are other interested parties who are trying to negotiate the purchase of that parcel, and they will be very happy to comply with that. Mr. Shire noted that they are also building requirements designed to muffle noise. Regarding stormwater management, Mr. Grasso said they think the existing stormwater management system can be enlarged to handle the new State requirements for water quality and quantity, and that will be part of the planning and engineering process.

Ms. King asked that Mr. Grasso comment on Article 3 of the Agreement, which states that the duplexes may be converted into single-family units. He responded that they have considered the possibility of converting the existing structures into single-family as a short cut to construction, saving those funds and possibly increasing the net profit, but he doesn't think that will work because some of the foundations are not solid. Ms. King asked if Mr. Grasso has thought about doing something with the structures that would not involve reuse as residential units? Mr. Grasso replied he has not.

The County Attorney commented that what is required by the Agreement is that a minimum of 10% of the residential will be affordable housing units, and those may also be provided in the commercial mixed-use section as accessory dwellings; they are not required to be placed to be in the residential portion of the property.

The Chair opened the hearing to public comment.

Clare Whitbeck, of Leonardtown, stated it is very important to understand that there are 90-100 families still living in Lexington Manor who will need someplace to live during the development of the property, and that will be very difficult. She said some of the seniors may go to the new senior housing project on Pegg Road, but some of the families will require handicapped access, requiring any 2<sup>nd</sup> or 3<sup>rd</sup> floor units to have an elevator. Ms. Whitbeck said

the web site at the Department of Housing & Urban Development was down and she could not find out what is in Section 24CFR42-305, which specifies how we're going to define the replacement units. She said HUD's definition of low income housing is for families with an income of \$56,000 but 24CFR42-305 refers to *very low income*, which she thinks is \$20,000 a year. Ms. Whitbeck said she doesn't think the current tenants have a \$56,000 income, and she wants to be sure that these 90-100 families are taken care of.

Valentino Johnson, a Lexington Manor resident and the former Chairman of the County's Lexington Park Planning Task Force, said his concerns are the inconsistency with AICUZ requirements, and he thinks AICUZ is used as a scapegoat for people to do what they want to do. He said he does not think the development will be a hindrance and cause the Base to close. Mr. Johnson noted the vacant commercial buildings already existing in the Lexington Park area and said his concern is for the current Lexington Manor tenants. In addition, he said the traffic circle on Tulagi Place in supposed to be one-way.

Todd Morgan, of Leonardtown, Executive Vice President of the Southern Maryland Alliance, said they support the commercial and office portions of the proposal but the residential portion is another story. He said their concern is the Navy and the protection of the AICUZ. We are currently preparing for the 2005 round of BRAC (Base Relocation and Closure), Mr. Morgan said, and the 2005 round will be equal to the sum of the 1991, 1993 and 1995 rounds. The number one priority for BRAC is military value, which is tied to the issue of growth encroachment, and critical decisions will be made on that basis. He said their concern is what will happen 10-15 years from now, and it is hoped that the Agreement can be worked out so that the matter of encroachment into the AICUZ and any possible effects to employment in the local community can be mitigated.

Jimmie Coontz, a Lexington Manor tenant, related his personal history, stating that his medical treatments at Washington Hospital Center took away his next egg and forced him into low income housing. Mr. Coontz said he is for growth but urged that the County take care of the tenants and not put them somewhere over a warehouse or something similar. Joseph Lee, of Lexington Park, who said he works in each of the three counties – Calvert, Charles, and St. Mary's - suggested a format such as at St. Charles in Waldorf, where Lexington Manor would start small and then integrate with Lexington Park the way St. Charles integrated with Waldorf.

Teri Wilson, the County's Historic Preservation Planner, referenced Mr. Hurry's letter and asked that at least one of the buildings be restored because of their historic importance to the Navy Base and the County.

Commission members stated they still have concerns regarding AICUZ and safety concerns. Mr. Greenwell said he knows of cases where the Navy has had to close runways because developers won out over the Navy. In response, Mr. Grasso said he has it in writing that the development poses no threat to the Base now or in the future. Mr. St. Clair asked that the Commission be provided with a copy of the letter. Regarding the Lexington Manor tenants, Mr. Grasso said the parties have worked out a transition period and the County has ear-marked funds for transition purposes. Regarding access, Mr. Grasso said George Ericson, Director of Public Works, has been involved in this plan and the proposed traffic circle.

The Chair closed the public hearing at 7:40 p.m., leaving the record open for 15 days for written comment.

**ZONE #00-130-015 – Lexington Park Christian School (aka King's Christian Academy)**

Requesting rezoning of the LPCS property from RPD (Rural Preservation District) to RL (Low Density Residential).

Rescheduled to a subsequent meeting.

**DEVELOPMENT REVIEW**

**FSUB #03-120-005 – FORREST FARM, Section 3, Phases 3 & 4**

Requesting final approval of a 46-lot major subdivision. The property contains approximately 103.4 acres, is zoned RPD, and is located on the east side of Brown Road, approximately 1.5 miles north of its intersection with MD 4 (St. Andrews Church Road); Tax Map 33, Block 16, Parcels 24 & 273.

Owner: Qualshire Land Development LLC, McClean, VA  
Present: John B. Norris, Jr., of NG&O, Inc., Agent

**NOTE: For the record, the County attorney recused himself in this application.**

This is the third section of this major subdivision that received its first approval, for Section 1, in 1997. Section 2 was approved in 1998. Concept approval for 209 lots in Section 3 was also granted in 1998. The Comprehensive Water & Sewer Plan was amended on November 12, 1998 to allow central water and a shared septic system. The Maryland Department of the Environment (MDE) approved the CWSP amendment subject to the condition that only 120 homes may be served by the proposed shared septic system.. Standard subdivision plans for Phases 3, 4, and 5 of Section 3 were reviewed during the July 2001 TEC review cycle and preliminary approvals for Phases 3, 4, and 5 were granted by the Commission on August 27, 2001, at which time the recreational phasing plans were also approved. Applicant now seeks final approval for Phases 3 and 4. A standard site plan for the recreation center was reviewed during the January 2003 TEC review cycle.

Mr. Shire said Lots 125 and 126 have been reconfigured to provide more suitable development envelopes than on prior plans, and Lots 83 and 84 appear to be suitable, although access to them must cross steep slopes and engineered erosion and sediment control plans may be required for building permits on these lots.

The executed public works agreement for the shared septic system is acceptable and the 120-lot limit imposed by MDE has not been attained. Final approval for these 46 lots in these phases will bring the total to 86 lots. The adequate facilities findings made at preliminary approval are still valid, and a finding for stormwater management can also be made. The approved phasing plan has 3 years from 5/13/02 to be implemented or this section would have to meet the requirements of the new Ordinance.

Mr. Shire said the recreation plan has been through TEC and there is still some final engineering to be done, but the site plan may be approved administratively when the engineering has been done, and he doesn't believe that should hold up the final approval.

Mr. Norris gave an overview of the project for the benefit of the new Commission members, including the revised phasing plan. He said, because of the amount of grading and cut-and-fill they had to do at the planned recreation area, they have moved the location forward. The residents are expecting that, when the 100<sup>th</sup> home has been built, the developer will have under construction the athletic field, tennis court, perhaps the tot lot, and a parking lot that can be used as a play area but also for expansion of parking if there is a need. By the 200<sup>th</sup> home, they should have under construction the club house and the pool area. He asked that the Planning Commission adopt that as the standard they have to meet.

**Mr. Greenwell 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 for Section 3, Phases 3 and 4, be approved. The motion was seconded by Mr. Raley and passed by 7-0.**

**FSUB #03-120-006 – WESTBURY PUD, Phase 2, Section 2**

Requesting the reapproval (FSUB #96-2325) of a 51-lot major subdivision. The final plat was previously granted final approval on 5/10/99 but was not recorded. The property contains approximately 119.59 acres, is zoned PUDR, and is located on the northwest side

of Pegg Road, approximately 2,000 feet north of its MD 237 intersection; Tax Map 51, Block 2, Parcel 147.

Owner: Interstate General Company, LP  
Present: John B. Norris, Jr., of NG&O, Inc., Agent

**NOTE: County Attorney John B. Norris, III recused himself in this application.**

Final approval for this 51-lot subdivision was granted on 1/12/98 and reapproval was granted on 5/10/99, under ZO #90-11. The plat was not recorded and the approval has lapsed. Pertinent TEC agencies have verified their respective approvals. The project is vested under an approved PUD development plan and is not subject to the Zoning Ordinance or Subdivision Ordinance adopted on 5/13/02. Mr. Shire said, if a PUD becomes inactive for 5 years, it can lose its PUD designation, but this project has not been inactive.

Mr. Raley noted that the original approval was 6 years ago, and asked why the approvals had been allowed to expire? Mr. Norris replied that the project is strictly market-driven and the developer has done a number of things to try and get it moving. They now have a builder committed to finishing Section 1 and taking over construction of the homes in Section 2.

**Ms. King 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 for Phase 2, Section 2 be reapproved. The motion was seconded by Mr. Reeves and passed by 7-0.**

**CCSP #02-110-002 – GREENVIEW WEST PUD**

Pre-Application review of Concept Site Plan per ZO #Z-02-01, Sections 44.3.1 and 44.4.4(a) for a major change of the commercial component to residential. The property contains approximately 18.88 acres, is zoned PUDR, and is located on the west side of Chancellors Run Road, approximately 2,500 feet south of its MD 235 intersection; Tax Map 43, Block 7, Parcel 30.

Owner: Douglas Halgren  
Present: Jerry Nokleby, of Nokleby Surveying, Inc., Agent

The Greenview West PUD was originally approved in 1982, with a commercial area and office park proposed along Chancellors Run Road in front of the residential areas. The designated density of 3.5 units per acre would have yielded 247 dwellings. Since that time the commercial areas have been reconfigured twice. They were finally auctioned in 2001 and acquired by this applicant. In December 2002 a revised concept plan for 75,000 square feet of commercial space and a 9,600 square foot self-storage facility was reviewed; however, the self-storage facility was not specified in the PUD development plan nor was it permitted in the PUD section of the zoning ordinance in effect at the time the PUD was approved, and a major amendment would have been required to permit it.

Applicant comes now with a proposal for a major amendment to change the commercial to residential and to allow 55 residential units within those two parcels. Under the approved density of 3.5 units per acres, only 41 more units would be allowed, and the density designation must also be increased to at least 3.7 units per acre to allow the 55 homes. This proposal was reviewed by TEC agencies at the March 13, 2003 pre-application conference. The existing office park component will remain and, because it is vested under the PUD development plan, may be developed after TEC review and administrative approval of a major site plan. The request for residential use in the previous commercial areas is in accordance with the Comprehensive Plan and compatible with the existing residences in the PUD.

A 50-foot buffer is required around the perimeter of the entire PUD, but none is shown on this plan along Chancellors Run Road. In view of the significant taking by the State Highway

Administration for the impending widening of Chancellors Run Road (MD 237), staff would support a reduced buffer along the frontage areas; e.g., perhaps a 25-foot, landscaped buffer.

Mr. Nokleby said they have come up with numerous concepts for developing this property, but this proposal is for 40 townhouses on one of the previous commercial pods and for single-family dwellings on the second previous commercial pod across Longfield Boulevard. Four additional single-family units are proposed next to the existing lake on the property and professional medical/office is proposed for the OBP pod. The several stormwater management ponds on the property will be enhanced, if necessary, to handle the additional development. The existing access off of MD 237 has an approved SHA entrance with an accel/decel lane in place. One access is proposed off of Longfield Boulevard into the townhouses. An urban designed road will serve the 70' X 100' single-family lots, with sidewalks throughout the project.

Mr. Nokleby said Dr. Halgren could develop the property as large-scale commercial but he is willing to take the chance and downgrade it to a residential mix; however, they are concerned about adequate facilities and ask whether their proposal could be considered grandfathered because this is an old PUD? He said the traffic from the office space will be greater than the residential, but they are constantly working with SHA and will reserve property for the widening of MD 237, but they will not deed it to them.

The Chair responded that there is no doubt that this is a more desirable proposal for this area and that it will provide more housing, but he thinks "grandfathering" is a stretch. Mr. Shire stated, if there is density available in the PUD for 41 houses maybe it could be argued that those 41 units could be grandfathered, but that is not the official position at this time.

The Chair thanked Mr. Nokleby for his presentation.

## **DISCUSSION ITEMS**

### **Proposed Text Amendment on Private Roads**

Deferred, pending further research by the County Attorney as to the Commission's authority to grant exceptions for lots on private roads.

### **Pembroke Subdivision**

Ms. Springrose said she will have the results of her research available for the next meeting as to whether MetCom had the power of condemnation for the sewer easement in this project and didn't use it.

### **Comprehensive Water & Sewerage Plan**

DPZ Senior Planner presented an overview of the structure of the Comprehensive Water and Sewerage Plan, the legal requirements associated with the Plan, and the way the CWSP relates to using and managing growth and adequate public facilities. A public hearing on the CWSP Update is scheduled before the Planning Commission on May 12, 2003.

DPZ Capital Facilities Planner Chad Holdsworth presented the differences between the 1993 and 2003 Plans.

The next sub-plan scheduled for presentation to the Commission next month is the Southern Maryland Heritage Plan, including the Tourism Management component of the plan.

## **ADJOURNMENT**

The meeting was adjourned at 8:50 p.m.

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Peggy Childs  
Recording Secretary

Approved in open  
session: April 28, 2003

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John F. Taylor, Sr.  
Chairperson