

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, May 23, 2005**

Members present were Joseph St. Clair, Vice Chair; Bryan Barthelme; Lawrence Chase; Julia King; Steve Reeves; and Howard Thompson. Larry Greenwell 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; Yvonne Chaillet, Planner III; Teresa Wilson, Historic Preservation Planner; Mark Kalmus, Planning Technician; and Sharon Sharrer, Recording Secretary. County Attorney, John B. Norris, III, was also present.

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

APPROVAL OF MINUTES – The minutes of May 9, 2005 were approved as corrected.

PUBLIC HEARING DECISION

CWSP #04-120-018 – ELDORADO FARM SUBDIVISION

The applicant is requesting amendment to service map III-4 to change the service area category from NPS (No Planned Service) to RW (Rural Water). The property contains 115.6 acres; is zoned Rural Preservation District (RPD); and is located south and west of the intersection of Golden Beach Road and Laurel Ridge Road; Tax Map 4, Grid 5, Parcel 247.

Owner: Eldorado Farms, LLC
Agent: Randy Barrett, of R. A. Barrett & Associates, Inc.

On May 9, 2005, the Planning Commission conducted and closed a public hearing, leaving the record open for ten (10) days for written comments and to receive more detailed information from staff on the Board of County Commissioners' actions on the prior request for amendment to the Comprehensive Water and Sewer Plan for this development. Mr. St. Clair noted that neither he nor Ms. King had yet received this information.

Mr. Thompson moved that the Planning Commission postpone their decision on this requested amendment to the Comprehensive Water and Sewerage Plan until information is received from staff on the details for the reasons the Board of County Commissioners denied the applicant's

request for amendment to the CWSP when it was previously presented to them. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

PUBLIC HEARING

CWSP #04-120-045 – ELIZABETH HILLS CWSP AMENDMENT

The applicant is requesting amendment to service maps III-50 and IV-50 to change service area category from W-6 and S-6 (service in 6-10 years) to W-3D and S-3D (service in 3-6 years, developer financed). The property contains 101.5 acres; is zoned Residential Low-Density (RL); and is located on Indian Bridge Road; Tax Map 50, Grid 12, Parcels 36 and 292.

Owner: Calvert LLC
Agent: John Oliff, of Collinson, Oliff & Associates, Inc.
Rick Bailey, of Calvert LLC

The property was posted, legal advertisements were published on 5/4/05 and 5/11/05, and notices were mailed to the adjoining property owners.

Mr. Jackman explained that, if the request to amend the CWSP for this development is approved, the water for this development would be provided by the Lexington Park Water Distribution System and the sewage would be treated by the Marlay Taylor Wastewater Treatment Plant. He added that there are currently approximately 3,000 Equivalent Dwelling Units (EDUs) of capacity left in this plant.

Mr. Reeves asked the developer if they would be completing Pegg Road out to Indian Bridge Road. Mr. Oliff explained that the applicants will be taking Pegg Road completely through their property, donating the entire right-of-way to the County, and constructing a half section of the four-lane divided highway; with the County completing the remainder of the road.

The Vice Chair opened the hearing to the public. The public hearing closed with no comments.

Commission members asked for a summary of the number of unallocated EDU'S remaining at the treatment plant. Mr. Reeves explained that he would like to know how much more building can be done before expansion would be needed at the facility. Chet Frederick, from the Metropolitan Commission (MetCom), explained that they are working with LUGM to evaluate whether the current rate of EDU issuance is a spike, or if this volume will continue into the future. Mr. Jackman said that he would provide Planning Commission members with a copy of the summary sheet used by LUGM and MetCom.

Mr. Thompson moved that having accepted the staff report, dated May 4, 2005; 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 forward a recommendation to the Board of County Commissioners to amend service area maps III-50 and IV-50 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 3-6 years, developer financed) and authorized the Vice Chair to sign a resolution transmitting this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Barthelme and passed by a 6-0 vote.

DEVELOPMENT REVIEW

ALPD #05-150-007 – McWILLIAMS MALPF DISTRICT

The applicant is requesting recommendation to the Board of County Commissioners for approval on the proposed Agricultural Land Preservation District (ALPD) Establishment. The property contains 44.7 acres, is zoned Rural Preservation District, and is located at 37760 Pene Lane in Avenue, Maryland; Tax Map 38, Grid 16, Parcel 31.

Owner: George & Barbara McWilliams
Agent: Donna Sasscer, Ag/Seafood Development Manager

Ms. Sasscer explained that the eligibility criteria for District establishment require a minimum district size of 50 contiguous acres. 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. Thompson moved that having made the finding that ALPD #05-150-007 property, owned by George and Barbara McWilliams, meets the Maryland Agricultural Land Preservation Foundation criteria, the Planning Commission forward a recommendation to the Board of County Commissioners that the property be forwarded to the Maryland Agricultural Land Preservation Foundation. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

ALPD #05-150-008 – RALEY MALPF DISTRICT

The applicant is requesting recommendation to the Board of County Commissioners for approval on the proposed Agricultural Land Preservation District (ALPD) Establishment. The property contains 24 acres, is zoned Rural Preservation District, and is Part One of Church Swamp in Avenue, Maryland; Tax Map 38, Grid 16, Parcel 269.

Owner: James K. Raley
Agent: Donna Sasscer, Ag/Seafood Development Manager

Mr. Barthelme moved that having made the finding that ALPD #05-150-008 property, owned by James K. Raley, meets the Maryland Agricultural Land Preservation Foundation criteria, the Planning Commission forward a recommendation to the Board of County Commissioners that the property be forwarded to the Maryland Agricultural Land Preservation Foundation. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

ALPD #05-150-009 – PURVINS MALPF DISTRICT

The applicant is requesting recommendation to the Board of County Commissioners for approval on the proposed Agricultural Land Preservation District (ALPD) Establishment. The property contains 191 acres, is zoned Rural Preservation District (RPD), and is located at 22362 Colton Point Road in Bushwood, Maryland; Tax Map 38, Grid 10, Parcels 95 & 277.

Owner: Steve & Debra Purvins
Agent: Donna Sasscer, Ag/Seafood Development Manager

Mr. Barthelme moved that having made the finding that ALPD #05-150-009 property, owned by Steve and Debra Purvins, meets the Maryland Agricultural Land Preservation Foundation criteria, the Planning Commission forward a recommendation to the Board of County Commissioners that the property be forwarded to the Maryland Agricultural Land Preservation Foundation. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

PUBLIC HEARING (continued)

CWSP #05-120-003 – GRANDVIEW HAVEN, Phase II CWSP AMENDMENT

The applicant is requesting amendment to service map III-18 to change the water service category from NPS (No Planned Service) to RW (Rural Water, developer financed). The property contains

151.98 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
Agent: Dean Wilkinson, of R. A. Barrett Associates, Inc.

The property was posted, legal advertisements were published on 5/4/05 and 5/11/05, and notices were mailed to the adjoining property owners.

Mr. Reeves explained that when the CWSP amendment for Grandview Haven Subdivision was approved by the Planning Commission, no mention was made of phases. He asked why this was not being done as one development, or as two totally separate developments. Mr. Jackman explained that the water system for the two phases would be interconnected. Mr. Wilkinson added that the applicant acquired Parcel 13 after the plans for Grandview Haven had been submitted.

Commission members expressed concerns with both the volume of traffic on the area roads and the condition of Morganza-Turner Road. Mr. Wilkinson explained that they are providing two points of access on Morganza-Turner Road, as well as one on MD Route 5.

The Vice Chair opened the hearing to public comment.

William Johnson, an area resident, expressed concern about the potential impact on area traffic. He said that there are already too many traffic accidents in the area, and he would not like to see that number increase. He explained that he was also concerned with the possibility that water usage at the new development could cause existing residents to have to drill new wells. He pointed out that he felt some of the calculations on flow and usage in the paperwork provided to the Planning Commission members did not seem to be accurate.

Donna Crown, who lives on Morganza-Turner Road, recommended denial of the requested water service category change. She explained that there have been numerous well failures in the area.

Andrew Dowdell, another resident of the Morganza-Turner Road area, explained that he has already had to drop his well twice. He wanted to know who would pay the bill when he has to drill a new well due to the new development in the area. Mr. Dowdell said that there was no notice for the Planning Commission's public hearing for Phase II of the Grandview Haven Subdivision posted on Morganza-Turner Road, although he did receive a letter notifying him of the public hearing. Mr. Wilkinson explained that the property was posted on

MD Route 5. Mr. Canavan explained that he would look into the question of required signage, and asked area residents who wanted to get involved in the subdivision process, when adequate public facilities concerning traffic issues or depths of wells would be more appropriately addressed, to leave their names with Mr. Jackman so that LUGM could contact them and provide them with information on when these issues would be scheduled on the Planning Commission agenda.

Bill McKissick, of Dugan, McKissick, Wood, & Longmore, explained that using the one dwelling unit for five acres of land density allowed in the Rural Preservation District (RPD) is not the way to preserve the RPD. He said that the proposed type of project is something that should be encouraged, since the use of Transferable Development Rights (TDRS) actually protects a larger acreage than the base density of the district would protect. Mr. McKissick explained that this type of development will drill one deeper well into a deeper aquifer, rather than a lot of smaller wells into a shallow aquifer.

The Vice Chair closed the public hearing.

The Planning Commission conducted and closed a public hearing, leaving the record open for ten (10) days for written comment.

CWSP #05-120-004 – RANIERI RUN CWSP AMENDMENT

The applicant is requesting amendment to service maps III-51 and IV-51 to change the service area category from W-6 and S-6 (water and sewer service in 6 to 10 years) to W-3D and S-3D (water and sewer service in 3 to 6 years, developer financed). The property contains 58.22 acres; is zoned Residential, Low-Density (RL); and is located on Willows Road, near its intersection with Point Lookout Road in Lexington Park, Maryland; Tax Map 51, Grid 22, Parcels 272 & 282.

Owner: Sturbridge Homes
Agent: Larry Day, of Day Tech Engineering

The Vice Chair opened the hearing to public comment. The public hearing closed with no comments.

Mr. Reeves moved that having accepted the staff report, dated May 4, 2005; 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; and having determined that the proposed

amendments are consistent with the Comprehensive Plan, the Planning Commission forward a recommendation to the Board of County Commissioners to amend service area maps III-51 and IV-51 to change the service area category from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3-6 years, developer financed and authorized the Vice Chair to sign a resolution transmitting this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

**TO CONSIDER AMENDMENTS TO THE ST. MARY'S COUNTY
COMPREHENSIVE ZONING ORDINANCE (Z02-01):**

MANDATORY CONNECTION

Chapter 70: Adequate Facilities

Section 70.8: Sewerage – Clarify requirements for connecting to community sewerage facilities; establish standards and conditions for waiver or deferral of such requirements.

Section 70.9: Water – Clarify requirements for providing and connecting to community water supply systems; establish standards and conditions for waiver or deferral of such requirements.

Mr. Jackman explained that it is generally better to connect to public facilities since it is safer, more practical, and more protective of the environment. The are provisions in the Comprehensive Zoning Ordinance that mandate connection to community facility for all development in the Lexington Park Development District and connection to community water for certain development within 1,750 feet of water service in growth areas. He explained that, while this is consistent with the principles of the Comprehensive Plan, there are occasionally minor subdivisions or boundary line adjustments that invoke the mandate but impose excessive costs for properties that are far removed from existing service.

Mr. Jackman explained that the proposed amendments are intended to provide the opportunity to seek relief, in the form of a waiver or deferral of these requirements, where the connection would not be feasible. If relief is granted in the form of a waiver or deferral, the private sewer service or water system would be approved by the Office of Environmental Health and designed for future connection to a public system when it becomes feasible, as determined by the Metropolitan Commission (MetCom).

Commission members expressed their concerns that larger developments might take advantage of this amendment to avoid connection to the public systems. Mr. Shire explained that the larger developments within the development district would generally want to achieve as close to the maximum

density as possible, which could not be done on a septic system. Mr. Jackman added that any private system approved would have to be designed for future connection, and would have to connect to the public system when MetCom determined that connection was feasible.

The Vice Chair opened the hearing to the public. The public hearing closed with no comments.

The Planning Commission voted to forward a recommendation to the Board of County Commissioners for text amendments to the St. Mary's County Comprehensive Zoning Ordinance (Z02-01), amending Section 70.8 – Sewerage, and Section 70.9 – Water, to clarify the requirements for connecting to community sewerage facilities and water supply systems and to establish standards and conditions for waiver or deferral of such requirements as shown in the staff report, dated May 6, 2005; and authorized the Vice Chair to sign a resolution transmitting this recommendation to the Board of County Commissioners.

LIGHTING STANDARDS

Chapter 61: Development Standards

Section 61.3: Lighting Standards – Proposed Zoning Ordinance text amendment to increase the height of exterior lighting fixtures and to measure the average maximum lighting level.

Present: Pat Coggins, with Faison Corporation
Jeff Hoinski, with WLS Lighting Systems

Legal advertisements were published in *The Enterprise* on 5/4/05 and 5/11/05.

Mr. Coggins explained that the inconsistency in the Ordinance creates a situation, if the Ordinance is followed literally, in which a parking lot which is poorly lit to the point of being unsafe. Mr. Hoinski explained he has been in the lighting business for about 30 years, and that WLS Lighting Systems lights about 300 commercial sites from coast to coast every year. Mr. Hoinski provided handouts to the Planning Commission members showing the differences in lighting between the current and proposed lighting standards in the Ordinance.

Mr. Canavan explained that the purpose of the text amendment is to eliminate the ambiguity between sections of the Zoning Ordinance and to come up with a more realistic height for exterior lighting fixtures. He noted that the illustrations provided by Mr. Hoinski show that the higher height limit for lighting fixtures will give a better distribution of the light. Mr. Canavan explained that the two major issues involved in this proposed text amendment are safety and

compatibility to the adjoining residential area. He explained that LUGM will look at the lighting plans submitted with commercial parking lots to make sure that the distribution of light is provided from a safety standpoint, but also in terms of the housing fixture of the light source itself to make sure that it is downplayed so there is compatibility to the nearby residential districts.

Commission members asked Mr. Hoinski about the difference between 30 and 35 foot poles. Mr. Hoinski explained that for safety standards, in contemporary lighting design, both would provide very economic, efficient, and doable lighting levels. He explained that in smaller communities, such as in St. Mary's County, 30 and 35 foot poles are very adequate. Ms. King expressed her concern that St. Mary's County be able to retain its nightscape, instead of creating a nightscape of lights as is seen in Anne Arundel County. Mr. Hoinski explained that St. Mary's County is attempting to control this now, with the use of flat glass fixtures that are typically regarded as dark sky fixtures which don't allow light to pollute up, and eliminate the horizontal light pollution.

The Vice Chair opened the hearing to the public. The public hearing closed with no comment.

Mr. Reeves moved that the Planning Commission forward a recommendation to the Board of County Commissioners for approval of text amendments to the St. Mary's County Comprehensive Zoning Ordinance (Z02-01), amending Sections 61.3.1 and 64.10.4, to increase the height of exterior lighting fixtures and to eliminate any ambiguity in the existing language, as shown in the staff report dated May 19, 2005; and authorized the Vice Chair to sign a resolution transmitting this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

OFF STREET PARKING AND LOADING

Chapter 64: Off-Street Parking and Loading

Section 64.3: Off-Street Parking and Loading Spaces Required and Permitted – Proposed Zoning Ordinance text amendment to authorize the Planning Director to approve less than the maximum number of off-street parking spaces.

Legal advertisements were published in *The Enterprise* on 5/4/05 and 5/11/05.

Mr. Canavan explained that the original purpose of this proposed text amendment was to authorize the Planning Director to approve less than the maximum number of off-street parking spaces. After further review of the statute, it was determined that the issue with regard to reduction of parking spaces

revolved around office use. Under the previous Zoning Ordinance (90-11), parking spaces for office was based on gross square footage, with four spaces per 1,000 square feet. When the current Zoning Ordinance was adopted in 2002, this was changed to a required maximum of 6 parking spaces, with no allowance for fewer spaces. Mr. Canavan explained that staff recommended a range of 4-6 spaces per 1,000 square feet for office use.

The Vice Chair opened the hearing to public comment.

Bill McKissick, of Dugan, McKissick, Wood, & Longmore, explained that the need for the proposed text amendments have direct and immediate impact on projects when they are going forward, even causing some projects to stop. Mr. McKissick explained that he would feel comfortable having an amendment allowing the Director to have discretion to go with a lower number of parking spaces. He expressed concern that the proposed amendment is only for office use. While the office is the immediate problem, he feels that other land uses might also need more flexibility than is provided in the current Zoning Ordinance. Mr. Canavan explained that LUGM can do a comprehensive review of all parking statutes when time permits, but the changes in the office use standards will resolve the immediate problems.

The Vice chair closed the public hearing.

Mr. Thompson moved that the Planning Commission forward a recommendation to the Board of County Commissioners for text amendments to the St. Mary's County Comprehensive Zoning Ordinance (Z02-01), amending Section 64.3, to provide a range of 4-6 parking spaces per 1,000 feet of gross floor area for an office use and to eliminate any ambiguity in the existing language, as shown in the staff report dated May 19, 2005; and authorized the Vice Chair to sign a resolution transmitting this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

HISTORIC LANDMARK #05-300-001 – ST. MICHAEL'S MANOR
Amend Official Zoning Map 73, Grid 10, Parcel 37 for St. Michael's Manor to create an "H" (Historic Landmark) Overlay Zone per Section 42.2 of said Ordinance Z02-01.

Present: Teresa Wilson, LUGM Historic Preservation
Planner

Ms. Wilson explained that St. Michael's Manor is one of the best remaining examples of its architectural style, and is a visible reminder of the cultural heritage of the county. It is located on land that was part of one of the original land grants made to Leonard Calvert in 1639.

Mr. Chase moved that the Planning Commission forward a recommendation to the Board of County Commissioners to create a Historic (H) Overlay Zone to establish this property as a Historic Landmark, and authorize the Vice Chair to sign a resolution transmitting this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Barthelme and passed by a 6-0 vote.

DEVELOPMENT REVIEW (continued)

CWSP #05-132-016 – TOM HODGES AUTO SALES

The applicant is requesting review and approval of a concept site plan in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 4.75 acres; is zoned Town Center Mixed Use (TMX), Airport Environs (AE) Overlay; and is located at 24179 Mervell Dean Road in Hollywood, Maryland; Tax Map 27, Grid 19, Parcel 855.

Owner: Thomas H. Hodges
Agent: Larry Ludwig, of D. H. Steffens Company

Mr. Thompson moved that having accepted the staff report, dated May 11, 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 in accordance with the St. Mary's County Comprehensive Zoning Ordinance Section 60.5; the Planning Commission grant concept plan approval, as requested. The motion was seconded by Mr. Chase and passed by a 6-0 vote.

PSUB #04-120-021 - INDIANTOWN HILLS SUBDIVISION

The applicant is requesting preliminary plan review and approval of a 22-lot major subdivision. The property contains 110.0 acres; is zoned Rural Preservation District (RPD); and is located on the north side of MD Route 234, approximately one mile northwest of Mechanicsville Road; Tax Map 17, Block 7, Parcel 9.

Owner: Marjon Investments, LLC
Agent: Robert Trautman

Planning Commission members questioned the ability of MD Route 234 to handle the increase in traffic caused by a development of this size. They continued their earlier discussion of the benefits and problems with centralized

water systems. Mr. Shire reminded the Planning Commission members that this development is not over the 25-lot threshold which would require a centralized system to be a part of the development.

Mr. Thompson moved that having accepted the staff report, dated May 11, 2005; and having made findings pursuant to Section 30.5.5 of the St. Mary's County Subdivision Ordinance (Criteria for Approval of a Preliminary Plan), including adequate facilities as described on the Director's Report in the file; the Planning Commission grant preliminary subdivision plan approval, as requested. The motion was seconded by Mr. Barthelme and passed by a 6-0 vote.

DISCUSSION

Planning Commission members asked that they be provided with information from the Chamber of Commerce on their discussions of the TDR program. Mr. Canavan explained that time would be set aside at the next Planning Commission meeting for further discussion on proposed changes to this program.

ADJOURNMENT

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

Sharon J. Sharrer
Recording Secretary

Approved in open session: June
13, 2005

Larry Greenwell
Chairman