

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * POTOMAC BUILDING * LEONARDTOWN, MARYLAND
Monday, June 9, 2008**

Members present were Stephen Reeves, Chairman; Howard Thompson, Lawrence Chase, Shelby Guazzo, Merl Evans, and Susan McNeill. Brandon Hayden was excused. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Phil Shire, Deputy Director; Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Dave Berry, Planner II; Jeanine Harrington, Planner I; and Jada Stuckert, Recording Secretary. Christy Chesser, County Attorney was also present.

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

APPROVAL OF THE MINUTES – The minutes of May 12, 2008 and May 27, 2008 were approved as presented.

PRESENTATION

State Highway Briefing Re: Rt. 4 Thomas Johnson Bridge – Mr. Michael Perotta gave an overview of the MD 4- Thomas Johnson bridge Project Planning Study. Mr. Perotta stated we need to improve existing capacity and traffic operations, increase vehicular and pedestrian safety and support the existing and planned development in the area. Mr. Perotta explained there are four options total for the bridge and stated one is the “No Build” option where minor, short term improvement would occur as part of normal maintenance and safety projects. Mr. Perotta stated option two is “TSM/TDM” TSM (transportation system management) is lot cost improvements consisting of minor construction and operational enhancements including traffic signal improvements, intersection improvements, and minor roadway widening and TDM (travel demand management) which include improvements to transit service, telecommuting, staggering work hours, and carpooling. Mr. Perotta stated option three is a “Parallel Structure” which converts the existing structure to a one-way, two-lane bridge and building a new one-way, two-lane bridge with a ten foot shoulder on one side and a two-foot shoulder on the opposite side as well as a ten-foot shared use path for bike and pedestrian passage. Mr. Perotta stated option four “Replacement Structure” would consist of removing the existing bridge and replacing it with a four-lane roadway with ten-foot shoulders and a bi-directional ten-foot shared use path.

Mr. Perotta stated alternate Public Workshops would be held on June 16 at Dowell Elementary School in Calvert County beginning at 5:00 p.m. and June 17 at Town Creek Elementary School in St. Mary's County beginning at 5:00 p.m. Ms. Guazzo stated at one point there was an idea to tunnel either Rt. 4 or Rt. 235 to have a continuous flow of traffic and asked when this idea was abandoned. Mr. Perotta stated he was unsure and would get that answer back to her by Friday.

Mr. Reeves thanked Mr. Perotta for his time in updating the Planning Commission of the planning process for the Thomas Johnson Bridge.

DECISION

Annual Growth Policy and the Introduced Zoning Ordinance & Subdivision Ordinance Amendments – Mr. Canavan gave an overview of the meetings previously held regarding the Annual Growth Policy (AGP) and stated the AGP is a separate piece of legislation apart from the amendments to the Zoning Ordinance and Subdivision Ordinance. Mr. Canavan stated there are three elements of the AGP as recommended in the legislation, one being the annual growth rate, two being the allocation of dwelling units in residential districts and three being the allocation of dwelling units for each 12 month period per individual subdivision or project.

Mr. Evans made a motion to approve the Annual Growth Policy as introduced by the Board of County Commissioners and Ms. McNeill seconded. The motion passed by a 6-0 vote.

Mr. Shire stated there are two sets of proposed text amendments, those with changes in red were produced by the task force and those with changes in blue were produced by staff. Mr. Shire stated the Planning Commission's focus should be concentrated on un-resolved issues such as mitigation, elementary school districts for purposes of determining adequacy, and enrollment percentages above state rated capacity (SRC). Mr. Shire defined four scenarios related to elementary school attendance districts and enrollment packages.

1. Adopt the Task Force recommendation of a single, county-wide district for elementary schools measured at 107% of state rated capacity (SRC).
2. Board of Education recommendation to create two elementary school districts using Hollywood Road as an appropriate dividing line. Also, allow enrollment at 103% SRC for elementary schools in the Rural Preservation district, and at 108% SRC for those elementary schools in designated growth areas.
3. Regardless of the number of elementary school districts, enrollment percentages of SRC shall be specified in the zoning ordinance based upon an individual elementary school's core capacity limitations, not to exceed 108% SRC. The reason being that there are some elementary schools in growth areas that can not achieve 108% SRC because of site limitations (soils, site area, etc.) and conversely, there are schools in the RPD with no such limitations.
4. Maintain the existing regulations in the zoning ordinance that established the elementary school districts for determination of adequacy.

Ms. Guazzo stated the Commission just approved the Growth Policy with the 70/30 split and 107% for elementary. Mr. Evans stated we can't discount the Board of Educations letter recommending the 103% and the 108% SRC. Mr. Canavan reiterated the feel of the Commission to maintain the 107% SRC with two districts for elementary only.

Mr. Shire reviewed each page of the amendments with the Commission members. Ms. Guazzo stated on page 70-4 "as established by the Board of Education" should read "as established by the County Commissioners". Mr. Canavan stated staff would add reference to PUD's on page 70-13 in regards to grandfathering.

Ms. Guazzo made a motion in the matter following the recommendations for the Annual Growth Policy and discussion of the related Zoning and Subdivision Ordinance text amendments that pertain to it, having conducted and closed the public hearing, and having accepted the staff report of June 5, 2008, I move that we forward the recommendation to the County Commissioners to include the staff report with agreed upon changes as discussed in the Planning Commission meeting of June 9, 2008 and authorize the Chairman to sign a resolution stating said recommendations and Mr. Thompson seconded. Mr. Evans asked if we should include in the motion the information provided by the school to move in concert with this motion. Mr. Evans stated the one district for middle and high school was a consensus of the Commission during a work session. Ms. McNeill stated this is already a part of the record and included in the meeting minutes. ***The motion passed by a 6-0 vote.***

DEVELOPMENT REVIEW

Concept Site Plan #05-132-009 – Virginia Knolls – Mr. Bowles gave a brief overview of the plan for 100 condominium units for 55 and older stating clustering, design enhancements and affordable housing will be used to reach the proposed density of 100 units and the final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval.

Mr. Jerry Nokleby gave an overview of the project stating it would have been very hard to place elevators in townhouses therefore the plan has been converted to condos. Mr. Nokleby submitted

Exhibit A containing DPW&T comments on the project and stated by building condos there will be more free green space on the property.

Mr. Thompson asked about note #14 on the plan which states the community will be 55 and older until which time school seats become available. Mr. Nokleby stated if the developer builds four units and re-evaluates the site and sees that the 55 and older is not selling or is no longer needed the developer will build the other four condos as residential use. Mr. Thompson asked if this would be written in the owner contracts. Mr. Nokleby stated the contracts would make potential buyers aware of this.

Mr. Thompson stated there is a considerable amount of business parking during the summer in this area. Mr. Thompson stated he felt this area was already congested.

Ms. Guazzo made a motion in the matter of CCSP #05-132-009, Virginia Knolls, having accepted the staff report and having made a finding that the objectives of Section 60.5.3 of the zoning ordinance have been met, and noting that the referenced project has met all requirements for concept approval and including the developers statement that one half or all of one side of the project shall be dedicated to citizens 55 years and older, I move that the concept site plan be approved and Mr. Evans seconded. The motion passed by a 5-1 vote with Mr. Thompson opposed.

Major Site Plan #08-132-002 – Phillip Bean Center Expansion – Mr. Berry gave a brief overview of the expansion of the medical center stating the final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval. Mr. Berry stated a variance was granted on May 22, 2008 from the requirements of Schedule 32.1 with regard to the maximum allowable footprint.

Mr. Herbert Redmond Jr. gave an overview of the location of the property stating Route 235 abuts the northeast side of the property. Mr. Redmond stated SMECO right-of-way is to the east and the properties to the south of the property are privately owned. Mr. Redmond stated the Ordinance requires these buildings be separated by 10 feet for fire safety. Mr. Redmond stated the buildings need to be connected for the medical facility patients. Mr. Redmond stated the Bean center has voluntarily chosen to do a traffic study. Ms. McNeill stated she is concerned with the traffic egress and ingress. Mr. Jerry Sodaberg stated the traffic study came in on Friday and it has been suggested that the entrance/exit should be a three-way (one left, one right, one center). Mr. Sodaberg stated the proposed light at Clarks Landing will also help.

Mr. Thompson made a motion in the matter of CCSP #08-132-002, Phillip Bean center Expansion, having accepted the staff report and having made a finding that the objectives of Section 60.5.3 of the zoning ordinance have been met, and noting that the referenced project has met all requirements for concept approval, I move that the concept site plan be approved and Mr. Evans seconded. The motion passed by a 6-0 vote.

Major Subdivision #04-120-029 – Pembroke Subdivision Phase II – Mr. Bowles gave a brief overview of the project for 68 lots in a major subdivision stating mitigation fee-in-lieu, to be paid for each lot prior to recordation for signalization of MD Route 5 and Willows Run intersection are the only outstanding issues. Mr. Parlett stated this is the final phase to be approved under the grandfathering clause.

Mr. Chase made a motion in the matter of FSUB #05-120-001, Pembroke, Phase II, containing 68-lots, having accepted the staff report and having made a finding of adequate facilities, including Stormwater management as noted on the attached checklist, and noting that the project meets all TEC agency requirements, I move that the final subdivision plan, be approved and Mr. Thompson seconded. The motion passed by a 6-0 vote.

DISCUSSION

Major Subdivision #00-120-032 – Woods & Stream Homes – Mr. Bowles gave an overview of the project stating the applicants wish to return to the Planning Commission for review of 41-lots in a major subdivision. Mr. Bowles stated the Planning commission made a motion granting Preliminary Approval for PSUB #00-120-032, for a maximum of 41-lots, upon the condition that the number of lots may be reduced based on the appeal decision by the Board of Appeals. Mr. Bowles stated the applicants withdrew their appeal and now wished to proceed with this plan and receive Planning Commission concurrence that this plan is still in conformance with the Preliminary Plan status that was given to them in July 2006 and to proceed with the final approval administratively, per the Comprehensive Zoning Ordinance.

Mr. Thompson made a motion in the case of PSUB #00-120-032 Woods & Stream Homes as reviewed, I move to grant permission to move forward and Mr. Evans seconded. The motion passed by a 6-0 vote.

ANNOUNCEMENTS

ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Jada Stuckert
Recording Secretary

Approved in open session:

Stephen T. Reeves
Chairman