

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION  
MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, June 13, 2005**

Members present were Larry Greenwell, Chairman; Bryan Barthelme; Lawrence Chase; Steve Reeves; and Howard Thompson. Julia King and Joe St. Clair were excused. Department of Land Use and Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Phil Shire, Planner IV; Sue Veith, Environmental Planner IV; Mark Kalmus, Planning Technician; and Sharon Sharrer, Recording Secretary. County Attorney, John B. Norris, III, was also present.

The Chair called the meeting to order at 6:33 p.m.

**APPROVAL OF MINUTES** – The minutes of May 23, 2005 were approved as recorded.

**PUBLIC HEARING DECISION**

**CWSP #04-120-018 – ELDORADO FARM SUBDIVISION CWSP  
AMENDMENT**

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: Dean Wilkinson, 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' discussion during the prior request for amendment to the Comprehensive Water and Sewer Plan for this development.

Mr. Thompson explained that he felt that staff and the developer had worked quite a bit to make the plans more acceptable to the Planning Commission. Mr. Reeves asked if providing a central water system for a development with the base density, without use of TDRs, would be cost prohibitive. Mr. Wilkinson responded that they felt it would be cost prohibitive to do so.

Since Mr. St. Clair was unable to attend the meeting, he asked that the following condensed version of his discussion with Mr. Jackman concerning his decision to support concept approval as a pre-requisite to CWSP amendment be read into the minutes of the meeting:

Concept approval of the proposed Eldorado Farms Subdivision was granted by the Planning Commission on August 9, 2004 as a prerequisite to amending the CWSP. Thirty-seven (37) lots subdivided from 115.6 acres represent a density of 1:3. At 1:5 the lot yield would be 23. These numbers are rounded, so the difference, the bonus is 15 lots. This triggers the need for 30 TDRs.

The use of up to 30 TDRs could result in the preservation of as much as 84 additional acres within other areas of the Rural Preservation District. Fifty percent (50%) of the Eldorado Farms property, or 57.8 acres, must be preserved as open space as required under Schedule 32.1 of the Comprehensive Zoning Ordinance. Total acres preserved could therefore be as much as 140 acres. The proposed development and potential preserved open space is low-density nonresidential development characteristic of the County's rural character envisioned by the Land Use Concept at page 34 of the Comprehensive Plan.

To implement the vision of the Comprehensive Plan, zoning regulations were adopted and the density was set at 1:5/1:3. In approving the Eldorado Farms concept, the Planning Commission recognized the compliance of the proposed development with the requirements of the RPD zoning district, with the requirement for community water service, and with the Comprehensive Plan.

Still to come is approval of the plan of subdivision, at which stage the issues of design, circulation and adequacy of public facilities will be addressed.

Expected final result: low density residential development with preserved open space and served by adequate facilities consistent with the Comprehensive Plan and the tools that have been adopted to implement it.

Whenever the Planning Commission approves a concept, it is concluding that the proposal is consistent with the Comprehensive Plan and with the implementing zoning.

**Mr. Reeves moved that having accepted the staff report, dated May 3, 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 amend service area map III-4 to change the service area category from No Planned Service (NPS) to Rural Water Service (RW) to the Board of County Commissioners, and authorized the Chairman to sign a resolution transmitting this recommendation to the Board of County Commissioners. The motion was seconded by Mr. Barthelme and passed by a 5-0 vote.

**CWSP #04-120-003 – 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.

On May 23, 2005, the Planning Commission conducted and closed a public hearing, leaving the record open for ten (10) days for written comment.

Commission members expressed concern that the two members of the Planning Commission who were unable to attend this meeting had previously had questions about this development.

**Mr. Reeves moved that the Planning Commission delay making a decision on this request until the full Planning Commission could be present for the discussion. The motion was seconded by Mr. Thompson and passed by a 4-1 vote, with Mr. Chase voting against the motion.**

**PUBLIC HEARING**

**ST. MARY'S COUNTY 2005 LAND PRESERVATION, PARKS AND RECREATION PLAN DRAFT APRIL 2005**

Public Hearing to hear and receive testimony and comments regarding a proposed amendment to the document entitled "Quality of Life in St. Mary's County – a Strategy for the 21<sup>st</sup> Century", which

serves as the Comprehensive Plan adopted under authority of Article 66B of the Annotated Code of Maryland. The proposed amendment is published in draft form as "St. Mary's County 2005 Land Preservation, Parks, and Recreation Plan Draft April 2005."

Present: Clive Graham, of ERM, Inc.

Legal advertisements were published on May 25, 2005 and June 1, 2005.

Mr. Graham explained that the State requires that each County provide updated Land Preservation, Parks and Recreation Plans every six years as a part of Project Open Space. Once approved, the St. Mary's County 2005 Land Preservation, Parks and Recreation Plan will be adopted as an amendment to the County's Comprehensive Plan. Mr. Graham provided a brief overview, explaining that the purpose is to identify recreation and open space needs in the County. He explained that comments have just been received from the State on the April draft, and are currently being evaluated. Mr. Graham said that he hopes to be able to return to the Planning Commission on July 11, 2005, with a revised draft Plan.

The Chair opened the hearing to public comment.

Mary Piotrowski, a Mechanicsville resident, explained that the implementation of soil and erosion programs remains a problem in the County. She asked if improvements in this area are being considered. Mr. Canavan explained that soil erosion and sedimentation is a responsibility shared by a number of County and State agencies. Steps are being taken to improve the communication and coordination of these agencies. He recommended that initial reports be made to the Department of Land Use & Growth Management (LUGM), and LUGM will work to relay the information to the other applicable agencies.

**The Chair closed the public hearing, leaving the record open for ten (10) days for written comments.**

## **DISCUSSION**

### **PRESENTATION OF THE MYRTLE POINT PARK DRAFT CONCEPT PLAN**

Present: Phil Rollins, Director, Department of Recreation,  
Parks and Community Services

Mr. Rollins and Ms. Veith provided a brief presentation on the Draft Myrtle Point Park Master Plan. Mr. Rollins explained that the purpose of the presentation was to review existing site conditions at Myrtle Point Park. A public workshop was held to gather community input in February 2005. Over the last

several years, the Park has been used for nature studies, picnicking, and fishing. A Master Plan was adopted in 1998, which showed the development of significant athletic facilities in the Park. The 1998 Master Plan was rescinded by a new Board of County Commissioners in 1999.

Mr. Rollins explained that the current vision of the Park is as a nature park. Some possible elements suggested for the nature park include hiking and nature trails, accessible walkways, trailside interpretive signage, canoe/kayak launches, picnic areas, multi-purpose open areas, beach access, a nature/heritage/visitor center, an informal amphitheater, restrooms, scenic overlooks, and parking areas. The draft Concept Plan includes a synthesis of many of these suggested uses.

Mr. Rollins encouraged the public to send in their comments. He explained that a presentation will be planned for the Board of County Commissioners in the near future.

## **DEVELOPMENT REVIEW**

### **PSUB #03-120-014 - ESSEX WOODS & ESSEX WOODS NORTH, Phase I**

The applicant is requesting preliminary review and approval of Phase I, 105 lots in a major Subdivision. Phase I of the property contains 47.91 acres, with 132.07 acres in the parent tract; is zoned Residential Mixed Use (RMX), Residential Low-Density (RL), Community Commercial (CC), APZ-2 Overlay; and is located south of MD Route 246 on Essex Drive South, beginning at the end of the current development; Tax Map 51, Grid 4, Parcels 331 & 332.

Owner: Dennis Edwards  
Agent: Jerry Nokleby, of Nokleby Surveying, Inc.

Mr. Shire pointed out a couple of corrections which needed to be made to the staff report. Verification of consent from the Maryland Department of the Environment (MDE) has been received on the finalization of the Comprehensive Water and Sewerage Plan amendment. He explained that there is also a sewage line easement at the end of Suffolk Street which was mistaken for an access point in writing the staff report.

Mr. Shire explained that the number of access points is still sufficient if the number of roads in the existing Essex subdivision is taken into account. Access for the proposed development will be through the existing Essex Subdivision until Bradley Blvd. is completed. Planning Commission members expressed concerns that Bradley Blvd. would not be completed prior to the completion of this subdivision. Mr. Nokleby explained that the traffic study was done utilizing only Essex Drive South for the 307 proposed lots in all three phases of this

subdivision, and did not require the completion of Bradley Blvd. prior to approval. Mr. Thompson expressed concern with the number of houses which will have access through Essex Drive South.

Mr. Nokleby requested that the Planning Commission consider approval of an additional 47 lots at this time, since their original request was for 197 units. Mr. Shire explained that only 105 lots were before the Planning Commission for approval at this time. He explained that a queuing list will be started shortly for the Great Mills School District, and that there are other projects on file which will also be on placed on this list with the remainder of the single family homes in this development.

Mr. Thompson asked if information was available yet on his request for the remaining allocations available at the Marlay-Taylor Treatment Plant. Mr. Frederick, from MetCom explained that they are still working on getting that information together. Mr. Thompson requested that the actual number of remaining allocations be provided to the Planning Commission as soon as possible.

**Mr. Thompson moved that in the matter of Essex Woods and Essex Woods North, Phase I, containing 105 lots, having accepted the staff report, dated June 6, 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 public facilities, as described in the Director's Report in the file; the Planning Commission grant preliminary subdivision plan approval. The motion was seconded by Mr. Barthelme and passed by a 5-0 vote.**

**CWSP #05-132-009 – VIRGINIA KNOLLS (AKA SWING & SWAT)**

The applicant is requesting review and approval of a concept site plan for 100 town homes in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 20.0 acres; is zoned Town Center Mixed Use (TMX), Airport Environs (AE) Overlay; and is located at 44232 Greenery Lane in Hollywood, Maryland; Tax Map 34, Grid 2, Parcel 327.

Owner: Jack M. Shriver  
Agent: Jerry Nokleby, of Nokleby Surveying, Inc.

Planning Commission members expressed concern that this subdivision will share an entrance and parking area with The Greenery. Mr. Nokleby explained that additional land is available and improvements can be made to the existing entrance to make it wider, if needed.

**Mr. Thompson moved that having accepted the staff report, dated June 6, 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 category from W-6D and S-6D 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 grant concept plan approval, as requested. The motion was seconded by Mr. Reeves and passed by a 5-0 vote.**

## **DISCUSSION AND DECISION**

### **DISCUSSION AND DECISION TO MODIFY THE PC RECOMMENDATION ON THE PARKING REQUIREMENT TEXT AMENDMENT**

Mr. Canavan explained that LUGM had previously made a recommendation to the Planning Commission for a range of 4-6 parking spaces for General Office Use. After further thought, and discussion with the Office of Law, it has been suggested that this recommendation be changed to an absolute number of four (4) spaces per 1,000 square feet. Current regulations allow an increase to address the issue of increased demand. Mr. Canavan asked that the Planning Commission reconsider the motion made at their meeting on May 23, 2005.

**The Planning Commission agreed 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 64.3, to provide for 4 parking spaces per 1,000 feet of gross floor area for an office use and to eliminate any ambiguity in the existing language; and authorized the Chairman to sign a resolution transmitting this recommendation to the Board of County Commissioners.**

## **GENERAL DISCUSSION**

Mr. Greenwell expressed concern that an impression is being given to applicants', when receiving concept approval, that development approval has been received. Mr. Canavan explained that Adequate Public Facilities and compatibility issues are not addressed at the time of concept approval. Concept approval is merely a pre-requisite to allow the applicant to proceed with the water and sewer amendment. Even though the Planning Commission does entertain questions on subdivision at the time of their consideration and discussion of the water and sewer amendments, it is not a substitution for going through a preliminary plan of subdivision, and the necessary findings at that time. It is also not a substitution for going through a site plan, as required for multi-family residential development. Mr. Canavan suggested that, at the time of the initial discussion for concept plan, and at time of water and sewer, the Planning Commission remind the applicants exactly what the approval being given is for. Mr. Norris suggested that the Planning Commission simply recognize that the

concept plan was there solely for the purpose of going forward with the CWSP, and that other issues would be fully addressed during subsequent stages in the approval process.

Commission members expressed further concerns about issues that can not be completely addressed at the time of concept plan approval. Mr. Canavan explained that many of the concerns, including those with traffic and road issues, are correctly addressed at the time of preliminary subdivision.

The Chair reminded the public that there would be a special meeting of the Planning Commission at 6:30 p.m. on Monday, June 20, 2005, at the meeting room of the St. Mary's County Board of Education building on Moakley Street in Leonardtown.

### **ADJOURNMENT**

The meeting was adjourned at 8:31 p.m.

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Sharon J. Sharrer  
Recording Secretary

Approved in open session: June  
27, 2005

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Larry Greenwell  
Chairman