

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, July 9, 2007**

Members present were Stephen Reeves, Chair; Howard Thompson, Shelby Guazzo, Brandon Hayden, Susan McNeil, Merl Evans, and Lawrence Chase. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Deputy Director, Sabrina Hecht, Planner IV; Jeff Jackman, Senior Planner; Bob Bowles, Planner II; Jeanine Harrington, Intern; and Jada Stuckert, Recording Secretary. Assistant County Attorney, Colin Kohan was also present.

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

**APPROVAL OF THE MINUTES** – The minutes of June 25, 2007 were tabled to the July 23, 2007 meeting.

**CONTINUANCE OF PUBLIC HEARING**

PUD #06-145-004 – Saint Mary's Crossing Date to be Determined

Mr. Shire stated the intent was to open the public hearing and continue it to a future date. Mr. Shire stated the first reason was to give staff time to review the various issues with public facilities and the second reason was to accommodate the neighbor's schedules due to the July 4<sup>th</sup> holiday. Mr. Shire stated the applicant wishes to re-advertise, re-post, and re-notify all the abutters for this public hearing. Mr. Norris stated at this point in time we do not have a date certain, however they will re-advertise the public hearing when a date is scheduled. Ms. Guazzo asked what type of notice will be given to the abutters. Mr. Shire stated the applicant would have to abide by the public hearing standards provided in the Ordinance.

**DEVELOPMENT REVIEW DECISION**

1. Concept Site Plan #06-132-017 – FDR Colonial Square Office Building

Mr. Bowles gave a brief overview of the staff report which recommends denial and stated this is a continuation of the June 25, 2007 meeting. Mr. Thompson asked if a swap of land could be an option in this situation. John Norris stated an equal portion of Nicolet Park was discussed, however it is not zoned DMX and is subject to restrictions on use due to State funding. Rick Benefield stated this was discussed however the zoning issues would be too much to overcome.

Mr. Thompson asked if this is denied tonight what other avenues does the applicant have. Mr. Bowles stated the applicant would file with the Board of Appeals. Mr. Chase stated he understands from the last meeting that the applicant could have proposed a smaller building on this lot and asked if this was true. Mr. Bowles stated staff recommended in the beginning that the applicant propose a smaller building. Mr. Bowles stated the applicant would have had to obtain a variance to the front yard setback to FDR Boulevard, but it could have been done. Mr. Thompson asked how much smaller the building would have been. Mr. Bowles stated somewhere in the vicinity of three to four thousand square feet smaller. Mr. Chase stated this would not prohibit the applicant from the use of the lot.

Mr. Evans stated he reviewed both memorandums that came from both attorneys Kohen and Norris. Mr. Evans stated both memorandums seem to support one another. Mr. Evans stated there is no dispute the building is in the easement of FDR Boulevard and if the Commission denies this request it will be a taking of the land. Mr. Evans stated he is unsure if the Commission should be going through case law.

Ms. Guazzo thanked the legal staff for their efforts on the Commission's behalf. Ms. Guazzo stated testimony was taken from Mr. Canavan at the last meeting where staff had

designed a building for the applicant to use on the remainder of the lot that would have been half the size of what they are proposing. Ms. Guazzo stated this is a valid point because it is not a total taking; the applicant would still have a good residual use of the land. Ms. Guazzo stated once FDR Boulevard is built, she feels the property value will increase because it will have real live road frontage. Ms. Guazzo stated she does not feel it is her decision to decide how much of a legal taking this is, that is a legal issue. Ms. Guazzo stated she will be voting on the impact of FDR Boulevard and whether or not it allows the applicant to place a building where they want to place it.

Mr. Evans recommended John Groeger of Department of Public Works and Transportation find out about the encroachment of FDR Boulevard onto other properties and begin notifying the owners of those properties. Mr. Evans stated this is not the first time we have run into this situation.

**After further discussion, Ms. Guazzo made a motion in the matter of CCSP #06-132-017, FDR Colonial Square Office Building, having accepted the staff report and having made a finding that the objectives of Section 60.5.3 of the Zoning Ordinance have not been met, and noting that the referenced project has not met all requirements for concept approval, I move that the concept site plan be denied and Mr. Chase seconded. The motion passed by a 6-1 vote with Mr. Thompson opposed.**

#### **DEVELOPMENT REVIEW**

2. Concept Site Plan #06-132-019 – Grace Chapel Ministries

Mr. Bowles read the staff report which recommended approval for a 14,440 square foot church and hall. Ms. McNeil asked if the classrooms would be used for religious teachings. Robin Guyther stated they would be and that the hall would come later in the process after monies have been raised for the project. It was asked if there would be two buildings or one. Mr. Guyther stated there would be two buildings connected by a breeze-way. Ms. Guazzo asked about the lighting on the building. Mr. Guyther stated the lighting would be submitted on the major site plan.

**After further discussion, Mr. Hayden made a motion in the matter of CCSP #06-132-019, Grace Chapel Ministries, 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 Ms. McNeil seconded. The motion passed by a 7-0 vote.**

3. Concept Site Plan #06-132-038 – Springhaven Condos

Mr. Bowles read the staff report which recommended approval for a 57 unit condominium building. John Parlett submitted for the record a color copy of the proposed building which is recorded as Exhibit A #06-132-038. Ms. Guazzo stated note #10 on the plan in regards to parking spaces is not correct. After discussion, it was decided that the plans numbers were correct, just out of place. Ms. Guazzo asked if there was an elevator proposed in this building. Mr. Parlett stated there are two proposed elevators. Ms. McNeil asked what types of recreational areas would be provided. Mr. Parlett stated there are designated areas inside the building.

**After further discussion, Mr. Thompson made a motion in the matter of CCSP #06-132-038, Springhaven Condominiums, 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 Ms. McNeil seconded. The motion passed by a 7-0 vote.**

4. Concept Development Plan #06-120-014 – St. Georges Peninsula Lots 17-43

Mr. Bowles read the staff report which recommended approval of a Concept Development Plan in order to proceed with an amendment to the Comprehensive Water and Sewer Plan (CWSP). Mr. Bowles further stated that METCOM does not support the design of the drip irrigation system. Ms. Guazzo asked about the first 16 lots. Mr. Bowles stated the first 16 lots are located down in the Critical Area portion of the land. Mr. Reeves asked if the 16 lots have their own septic systems. Mr. Bowles stated the 16 lots have existing EDUs. Ms. Guazzo stated Andover Estates does not perc and in the past they have had many failing septic systems. Mr. Bowles stated this is correct. Ms. Guazzo stated because of this some of the 16 lots were able to hook up to the Marlay-Taylor system. Mr. Bowles stated because they were existing houses they were grandfathered in for the EDUs.

James Hanna stated he is working with the State MDE and Health Department on the drip irrigation system or possibly a spray. Ms. Guazzo asked about the acreage on the lots and stated some of the numbers do not add up. Ms. Guazzo further stated she has a problem with the smaller lots because they seem better suited to a town center. Mr. Hanna stated he has just begun working with this project and can not speak on this issue.

Ms. McNeil stated all the lots are within the 100 year floodplain and asked what special measures are being prepared for this. Mr. Bowles stated this is not in the AE zone it is in the X zone so there will be few requirements. Mr. Bowles stated this plan is a concept development plan in order to go to water and sewer. Mr. Bowles stated the applicant has to meet the lot sizes when he comes back with his concept development site plan which will be done after the applicant receives his water and sewer amendment.

Mr. Reeves asked if Steve King could give his opinions on this project. Steve King of METCOM stated the last time this project was reviewed; METCOM was not satisfied that the developer has proven that the drip irrigation system will work. Mr. King stated until all the problems METCOM has identified are satisfied and until METCOM is sure the system will work in perpetuity, METCOM will not recommend approval. Ms. McNeil asked for a description of a drip irrigation system. Mr. King stated it is a system that consists of bearing special irrigation lines that have emitters that drip waste waters at a very slow rate one foot below the surface of the ground.

Ms. Guazzo stated she is unsure why this project is on the agenda without METCOM's approval and it seems premature to be ruling on this at this time. Mr. Bowles stated the applicant is simply trying to change the category. Mr. Reeves stated this could be done at a later date. Mr. Bowles stated this is correct. Mr. King stated METCOM will not spend any more time reviewing this project until the Commission has made a ruling that it is appropriate for this number of houses to go into this area as proposed. Mr. King further stated Commission approval at this point does not automatically guarantee the applicant METCOM approval. Mr. King stated the applicant will still have to meet METCOM's requirements before METCOM will sign off on the project.

Mr. Reeves asked if the applicant understands even if the Commission grants approval tonight it does not in any way, shape or form guarantee approval of the overall project. Mr. Hanna stated he understands that he has to go through the entire engineering process of the design of the drip irrigation system. Mr. Reeves stated if you loose you loose. Mr. Hanna stated he is fully aware of this.

Mr. Evans stated we have a concept plan before us tonight. Ms. Guazzo stated this project in the RPD and in an area where things already don't perc and have to be hooked up to the central sewer. Ms. Guazzo stated this is probably an excellent example of chance to save the Rural Preservation District. Ms. Guazzo stated a lot of the County is spotted with these small quasi private/public systems that METCO is becoming responsible for once they approve them and come on-line. Ms. Guazzo stated this is an area where the water table is very high. Ms.

Guazzo stated she will not be able to vote for the concept water and sewer for this project. Ms. Guazzo stated again this is an example of a chance to save some of the Rural Preservation Area.

**After further discussion, Mr. Evans made a motion in the matter of CDSP #06-120-014, St. George's Peninsulas Lots 17-43, having accepted the staff report and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewer amendment to change the water and sewer categories from NPS (No Planned Service), to RW (Rural Water) and RSS (Rural Sewer Service) and noting that the subdivision plan must return to the Planning Commission for preliminary approval, I move that the concept plan be approved and Mr. Chase seconded. The motion passed by a 4-3 vote with Ms. Guazzo, Mr. Reeves, and Ms. McNeil opposed.**

5. Concept Site Plan #06-132-035 – Hickory Hills Motel

Mr. Bowles read the staff report which recommended approval of a 43,664 square foot concept site plan for a motel. Guy Curley showed the Commission a color concept rendering with different color schemes. Ms. Guazzo asked for a definition of extended stay. Mr. Curley stated extended stay is defined in the ordinance; the average stay for this type of franchise is 16 nights. Ms. Guazzo asked if Amber Drive part of the FDR Boulevard corridor. Mr. Curley stated land has been deeded for the expansion of FDR Boulevard.

Ms. Guazzo asked about the development potential for the surrounding property. Jerry Nokelby stated currently there are no plans in the CMX zone however it is too early to say whether or not this property will be developed in the near future. Mr. Nokelby stated there will be 102 rooms, indoor pool, interparcel connection to the Hickory Hills Shopping Center. Mr. Nokelby stated there is a 50 foot "B" buffer along Chancellors Run Road which is in addition to a 100 foot strip already dedicated and deeded to the State Highway for the widening of Chancellors Run Road and 40 foot strip for road widening of Amber Drive in anticipation of it becoming FDR Boulevard.

**After further discussion, Mr. Thompson made a motion in the matter of CCSP #06-132-035, Hickory Hills Motel, 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 was passed by a 7-0 vote.**

## **DISCUSSION**

6. Annual Report

Mr. Jackman gave a brief overview of the annual report. After discussion it was decided the Commission members would email Mr. Jackman with any comments or suggestions for the next meeting. Mr. Jackman stated he would bring an updated version to the next meeting for approval.

7. Marlay-Taylor Treatment Plant Capacity

Mr. Shire gave an overview of the Marlay Taylor Treatment Plant Capacity. Mr. King of METCOM gave a detailed overview of the Marlay Taylor Treatment Plant Capacity. After discussion, the Commission thanked both Mr. Shire and Mr. King for the update.

## **ADJOURNMENT**

The meeting was adjourned at 9:13 p.m.

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Jada Stuckert  
Recording Secretary

Approved in open session: July 23, 2007

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Stephen T. Reeves  
Chairman