

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION  
MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, July 11, 2005**

Members present were Larry Greenwell, Chairman; Joseph St. Clair, Vice Chair; Lawrence Chase; Julia King; and Howard Thompson. Bryan Barthelme and Steve Reeves 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; Bob Bowles, Planner II; and Sharon Sharrer, Recording Secretary.

The Chair called the meeting to order at 6:34 p.m.

**APPROVAL OF MINUTES** – The minutes of June 27, 2005 were approved as recorded.

**DISCUSSION**

**ST. MARY'S COUNTY LAND PRESERVATION, PARKS AND  
RECREATION PLAN APRIL 2005: FOLLOW UP TO THE JUNE  
27, 2005 PUBLIC HEARING**

Mr. Jackman explained that the LPPRP was on the Planning Commission agenda to provide a brief progress report. Comments have been received from the state, and staff and the consultant have been working on responses to the state comments. An updated draft copy of the Plan was provided to the Planning Commission for their review before any necessary future action.

**ST. MARY'S COUNTY PUBLIC SCHOOLS PRESENTATION OF  
THE EDUCATIONAL FACILITIES MASTER PLAN**

J. Bradley Clements, Chief Administrative Officer for St. Mary's County Public Schools (SMCPS), and Kimberly Howe, Capital Planning Coordinator, introduced the new Superintendent of Schools, Dr. Michael Martirano; and provided a brief overview of the Educational Facilities Master Plan 2005. Ms. Howe explained that there are four principles that guide the development of the Capital Improvement Program (CIP):

1. To meet the interim and long-term capacity needs of existing and projected students;
2. To maintain a systematic addition, renovation, and modernization schedule for existing schools;

3. To ensure that schools are environmentally safe, secure, efficient, and comfortable; and
4. To meet the educational program requirements, ensuring equity for all.

Ms. Howe explained that all four of these goals are looked at every time SMCPs brings forth a CIP. She explained that the change to full-day kindergarten and the state rated capacity changes resulted in the need for 1.75 of the 3 elementary schools that are in the current CIP.

Mr. St. Clair asked about the current amount of the impact fee, and the cost to the County on a per child basis for the construction of necessary schools. Ms. Howe explained that she thinks the calculation of costs made by the committee who studied impact fees was that the cost would be around \$10,000 - \$12,000 to provide a school seat, and that additional funding would be required to meet the construction program needs. Commission members asked to have the Director of Finance scheduled to participate in a Planning Commission meeting to discuss this issue. Commission members also expressed a desire to take a look further at the mitigation process, and considering the possibility of a text amendment to allow mitigation for school capacity.

### **ADEQUATE SCHOOL CAPACITY FOR PENDING RESIDENTIAL DEVELOPMENT IN THE LEONARDTOWN SCHOOL DISTRICT**

Staff from the Department of Land Use & Growth Management (LUGM) made a brief presentation on current available capacity in area schools, and provided suggestions for a policy to allocate the extremely limited capacity available in the Leonardtown District. Mr. Canavan explained that issues requiring discussion with the Planning Commission included the amount of pending residential development requests currently in the Leonardtown school system, recommendations for allocation of the limited capacity for approval of residential lots within this district, and a framework of issues that need to be discussed further before a recommendation is formulated by the Planning Commission to go forward to the Board of County Commissioners. Mr. Canavan explained that there has been a negative capacity at the elementary school level in the Leonardtown school system since December 2004; and that there is currently only available elementary school capacity in this district for the development of 44 lots, even with the funding that came with the beginning of the new fiscal year.. Available capacity at the middle school level will become a problem very soon. Even if all of the schools were combined into a single school district, there would be a limitation at the elementary school level of 1,028 dwelling units. He explained that it is incumbent upon the County to recognize the desire to move forward with residential subdivisions, but also to be knowledgeable on when the infrastructure will be available.

Mr. St. Clair expressed concern that the Planning Commission would also need to provide a way around the May 13, 2007 deadline on projects approved and grandfathered under the previous Zoning Ordinance (90-11). Mr. Canavan explained that he felt it was important to recognize that, with the limitations on financing schools and the justification and acquisition of school sites, there is no way that these grandfathered projects can do what they have to do for the full buildout of their preliminary plans to get through the system by May 13, 2007. He recommended that the Planning Commission and Board of County Commissioners entertain the need for a text amendment that would allow these grandfathered projects additional time to build out. The Chair suggested that work should begin on a text amendment to provide this additional time.

Mr. St. Clair expressed concern about the five-lot minor subdivisions which do not have to meet the APF findings for schools. Mr. Canavan agreed that minor subdivisions are exempt from the APF findings for schools, and explained that Technical Evaluation Committee (TEC) agendas have seen a considerable increase in the number of minor subdivisions. Mr. Canavan explained that there have been over 100 lots going through the minor lot subdivision process in the past year, in the Leonardtown school district alone. The Chair expressed a need to start work on a text amendment to eliminate this problem. He suggested three lot subdivisions, for family conveyance purposes only, as a possible alternative. He also suggested further work to develop a policy for allocation of school capacity that includes the Town of Leonardtown, the grandfathered subdivisions, multi-family projects, and single-family detached dwellings.

The Chair offered the opportunity for public comment on the evening's discussion of school capacity and allocation.

Bill Higgs, of Little Silences Rest, explained that he doesn't know the fair way to divide the lots available in the Leonardtown district, but expressed concern about how future allocations will be made and how the allocation policy will work when middle school seats become available. He suggested there was a need to have some guarantee when preliminary plan approval is obtained that all of the APF issues, with the exception of school capacity, have been met.

Billy Johnson, a Morganza resident, expressed concern that growth and development is out of control in St. Mary's County. He suggested that the County should seriously look at the possibility of imposing a short term moratorium on building for major developments until the County can get the situation under control.

Paul Summers expressed his appreciation to the Planning Commissions for their suggestions regarding the need for a text amendment to extend the deadline date for grandfathered projects. He explained that submitting a modified preliminary plan for the Woods at Myrtle Point would not be a simple project, due to the preliminary plan requirements of the prior Zoning Ordinance (90-11). Mr. Canavan explained that a full preliminary plan, and going back through the entire process, would not be required on the grandfathered projects. Mr. Summers expressed concern with the differences in calculations between the numbers provided by SMCPS and LUGM. The Chair explained that the numbers provided by the school system are presented in the way the State Board of Education requires, while the numbers provided by LUGM show County regulations.

Andrew Dowdell, a Morganza resident and a teacher at Leonardtown Middle School, explained that relocatables do solve some problems in terms of class size but they do not address problems with the public areas of the schools. He mentioned that the schools are having problems scheduling activities like lunchtimes, and relocatables do not address these types of problems.

Sang Oh, representing Big Chestnut Subdivision, explained that there is a difference between equity and equality. He said that he feels the allocation policy being discussed was based on equality, while an equitable policy is what is needed to address these problems for the future.

Pat Mudd suggested that the Planning Commission consider moving the time when APF standards must be addressed to the final approval stage, as was done previously, rather than the preliminary approval stage. He explained that the grandfathered projects have gone through a significant review process at a significant cost to get to preliminary approval, while the projects reviewed under the new Zoning Ordinance have had much less expense and engineering done when they reach preliminary plan approval, and could change significantly before reaching the final approval stage.

Steve King, Director of the Metropolitan Commission (MetCom), explained that water and sewer capacity is now required to be allocated at a much earlier stage than was required a couple of years ago. This made it necessary for MetCom to charge developers for the capacity at preliminary plan approval, even though it is possible that some of these projects may never go to record plat approval. He mentioned that he will be recommending a change back to the record plat/final site plan approval stage to address this standard when he

speaks to the Planning Commission at a future meeting. Mr. King explained that phasing of projects should also be encouraged.

## **DEVELOPMENT REVIEW**

### **CCSP #05-132-025 – IMMACULATE CONCEPTION CHURCH HALL**

The applicant is requesting review of a concept site plan for a 12,918 square foot church hall building. The property contains 8.87 acres; is zoned Residential Low-Density (RL); and is located at 28297 Old Village Road in Mechanicsville, Maryland; Tax Map 9, Grid 7, Parcel 124.

Owner: Archbishop Patrick O'Boyle  
Agent: Bruce Simmons, of Ben Dyer Associates, Inc.

Mr. Shire explained that the building is proposed on the other side of the County Commissioners right-of-way, in an area currently used for parking for the church. He explained that the Department of Recreation, Parks, and Community Services (RP&CS) is currently having discussions with the church to allow use of that parking lot for the hiker-biker trail at times when the church hall is not being used.

**Mr. Thompson moved that having accepted the staff report, dated July 5, 2005; and having made a finding that the objectives of Section 60.5.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met; and noting that the referenced project has met all requirements for concept approval; the Planning Commission grant concept site plan approval, as requested. The motion was seconded by Mr. St. Clair and passed by a 5-0 vote.**

### **PSUB #04-120-015 – GRANDVIEW HAVEN SUBDIVISION, Phase 1**

The applicant is requesting preliminary review of a 111-lot major subdivision. The property contains 63.5 acres; is zoned Rural Preservation District (RPD); and is located on the west side of Morganza-Turner Road, approximately 3,600 feet north of its intersection with MD Route 5; Tax Map 12, Grid 23, Parcel 35.

Owner: Norman & Richard Bernstein  
Agent: Randy Barrett, of R. A. Barrett and Associates

Mr. Shire explained that the applicant is still in the process of acquiring the necessary Transferable Development Rights (TDRS) for this development. The Chair asked for specifics on the acreage preserved through this process. Mr. Barrett explained that 187 acres will be preserved on-site as open space and 264 acres will be preserved off-site through the use of TDRS for the development of Phase 1. Ms. King questioned where the TDRS being used are located. Dean Beck, the developer, explained that some of the TDRS will be from the St. James Subdivision, others will be from the Greens Rest Subdivision, and the location of the remaining TDRS has not yet been disclosed to him. Ms. King expressed concern that the purchase of TDRS from existing developments did not seem in keeping with the spirit of the Comprehensive Land Use Plan.

Commission members expressed concern about the increase in traffic that will be caused by a development of this size. Mr. Thompson explained that he feels that the location of the entrances to the development off of Morganza-Turner Road and MD Route 5 could cause area traffic to use the residential street as an alternate way to get from one road to the other. Mike Lindhardt, from the Traffic Group, explained that they conducted a traffic impact study including both phases of this development which was submitted to State Highway Administration (SHA) and to the Department of Public Works and Transportation (DWP&T). He said that both SHA and DWP&T have reviewed the traffic study and concurred with the findings that both impacted intersections currently operate at a Level of Service A (LOS-A) and will continue to operate at that level. Commission members expressed doubt about the accuracy of this traffic study and explained that they would like to speak to a representative from DPW&T regarding their review of this traffic study. Commission members requested that a complete copy of the traffic study be provided for their review.

Mr. Thompson expressed concern about the locations of the proposed entrances to the development. Mr. Barrett explained that he didn't feel that either the owner or the developer would have any problem with eliminating one of the entrances off of Morganza-Turner Road, but this would require a waiver from the requirement for one entrance for every 75 lots.

**The Planning Commission made a decision to table further discussion on this request until their meeting on July 25, 2005 to allow someone from DPW&T to be present to provide information and answer questions concerning the traffic study done for this development and other area traffic concerns.**

## **DEVELOPMENT REVIEW DECISIONS**

### **PSUB #04-120-023 – ESTATES AT JOY CHAPEL**

The applicant is requesting preliminary plan review and approval of a 60-lot major subdivision. The property contains 33.87 acres; is zoned Residential Mixed Use (RMX), Airport Environs (AE)

Overlay; and is located on the southeast side of Joy Chapel Road at its intersection with Mervell Dean Road in Hollywood, Maryland; Tax Map 27, Grid 19, Parcel 431.

Owner: Dillow, Mark & Joanne M. Trust  
Agent: Bill Higgs, of Little Silences Rest, Inc.

The Planning Commission heard the applicant's request at their June 27, 2005 meeting and made the decision to table the discussion until their July 11, 2005 meeting, after the discussion with representatives from the school system.

The Chair explained to Mr. Higgs that the allocation policy determined for the available school capacity would allow approval of development for only 8 lots within this subdivision at this time. Mr. Higgs explained that they would accept the 8 lots, but would like to have some sort of assurance that they have met all of the other APF issues so they don't end up in a situation which includes problems for the approval of the remainder of the development when more school capacity becomes available.

Mr. Canavan suggested that the Planning Commission table their discussion until plans can be prepared and submitted showing which 8 lots of the development will be approved at this time. Mr. Higgs and Mr. Dillow told the members of the Planning Commission that lots 1 through 8 would be the eight lots developed at this time, and that they will be building all of the roads for the development at the time the initial lots are developed.

**Mr. Thompson moved that having accepted the staff report, dated June 20, 2005; and having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (*Criteria for Approval of a Preliminary Plan*), which includes adequate facilities as described in the Director's Report in the file; the Planning Commission granted preliminary subdivision plan approval for lots 1-8. The motion was seconded by Mr. St. Clair and passed by a 5-0 vote.**

**SSUB #04-120-009 – WOODS AT MYRTLE POINT, Section 1, Phase 2**

The applicant is requesting preliminary review of Section 1, Phase 2, 68-lots in a major subdivision. Section 1 of the property contains approximately 101.7 acres; is zoned Residential Low-Density (RL), Airport Environs (AE) Overlay, Resource Conservation Area (RCA) Overlay; and is located on the west side of Patuxent Boulevard, approximately 1,600 feet north of its intersection with MD Route 4; Tax Map 34, Grid 6, Parcels 485, 585, 586, & 587.

Owner: Myrtle Point Partnership, LLC c/o PF Summers

Agent: Christopher Longmore, Dugan, McKissick, Wood, and Longmore

The Planning Commission heard the applicant's request for both Section 1, Phase 2, and Section 1, Phase 3, at their June 27, 2005 meeting and made the decision to table the discussion until their July 11, 2005 meeting, after the discussion with representatives from the school system.

Mr. Summers and Mr. Longmore both summarized comments made at the last Planning Commission meeting, on June 27, 2005; explaining that they still do believe that they have passed the tests for Adequate Public Facilities for schools as set out in the previous Zoning Ordinance (90-11). Mr. Longmore explained that they do not feel that grandfathered projects were given consideration based on their special needs when the queuing procedures were determined, as had been their understanding at the prior Planning Commission meeting.

Commission members expressed concern about making any decision or motion regarding the applicant's request without the opportunity to speak to the County Attorney, and getting all of their questions answered. The Chair requested that these two items for the Woods at Myrtle Point be the first items on the agenda for the next Planning Commission meeting.

**The Planning Commission tabled the discussion on the Woods at Myrtle Point until their next meeting on July 25, 2005 to allow an opportunity to obtain information and guidance from the legal department.**

**SSUB #04-120-020 – WOODS AT MYRTLE POINT, Section 1, Phase 3**

The applicant is requesting preliminary review of Section 1, Phase 3, 21-lots in a major subdivision. Section 1 of the property contains approximately 101.7 acres; is zoned Residential Low-Density (RL), Airport Environs (AE) Overlay, Resource Conservation Area (RCA) Overlay; and is located on the west side of Patuxent Boulevard, approximately 1,600 feet north of its intersection with MD Route 4; Tax Map 34, Grid 6, Parcels 485, 585, 586, & 587.

Owner: Myrtle Point Partnership, LLP c/o PF Summers  
Agent: Christopher Longmore, Dugan, McKissick, Wood, and Longmore

**The Planning Commission tabled the discussion on the Woods at Myrtle Point until their next meeting on July 25, 2005 to allow an opportunity to obtain information and guidance from the legal department.**

**ADJOURNMENT**

The meeting was adjourned at 10:59 p.m.

---

Sharon J. Sharrer  
Recording Secretary

Approved in open session: July  
25, 2005

---

Larry Greenwell  
Chairman