

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, August 13, 2007**

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

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

APPROVAL OF THE MINUTES – The minutes of July 23, 2007 were approved as amended.

PUBLIC HEARINGS

1. Map Correction #06-245-001 – Ryken High School

Ms. Veith read the staff report which recommended approval for an amendment to correct a map mistake for land developed with facilities for Ryken High School in 1985 on 25.513 acres by amending the Critical Area Overlay from Resource Conservation Area (RCA) Critical Area Overlay to Limited Development Area (LDA) Critical Area Overlay.

Mr. Reeves opened the hearing for public comment. Mary Joy Hurlburt, President of St. Mary's Ryken High School, requested the Commission move forward to correct the map mistake made in 1985 and also make the recommendation to the Board of County Commissioners for the growth allocation. Ms. Hurlburt stated a favorable decision will allow Ryken to move forward and continue to serve the community. Mr. Reeves closed the hearing to public comment.

After further discussion, Ms. Guazzo made a motion in the matter of Case #06-245-001 Ryken High School, request for a map amendment to correct a mapping mistake on the property, I move that the Planning Commission having accepted the finding of this staff report regarding the mistake in original mapping and having conducted a public hearing regarding this request, recommend that the Board of County Commissioners approve the amendment to correct a map mistake on 25.513 acres of the subject property by amending the Critical Area Overlay from Resource Conservation Area (RCA) Critical Area Overlay to Limited Development Area (LDA) Critical Area Overlay for those portions of the Ryken High School which were developed and actively used by the school in the Critical Area in 1985 but were incorrectly designated as RCA at the time of original mapping and Mr. Thompson seconded. The motion passed by a 6-0 vote.

2. Growth Allocation Request #06-245-001 – Ryken High School

Ms. Veith read the staff report which recommended approval to award 28.558 acres of Critical Area growth allocation necessary to accommodate development in accordance with the "St. Mary's Ryken High School Master Plan 2007" proposed on the subject property.

Mr. Reeves opened the hearing for public comment, hearing none, closed the hearing to public comment.

After further discussion, Ms. Guazzo made a motion in the matter of Case #06-245-001 Ryken High School, request for growth allocation, I move that the Planning Commission, having previously recommended approval to map 25.513 acres as LDA to correct a mistake in original mapping for the site, having accepted the finding of this staff report regarding the request for growth allocation and having conducted a public hearing

regarding this request for growth allocation, recommend that the Board of County Commissioners approve the award of 28.558 acres of Critical Area growth allocation necessary to accommodate development in accordance with the "St. Mary's Ryken High School Master Plan 2007" proposed on the subject property. The areas mapped to be mapped as Intensely Developed Area (IDA) Critical Area Overlay include 25.513 acres of Limited Development Area (LDA) Critical Area Overlay and 3.045 acres of adjacent Resource Conservation Area (RCA) Critical Area Overlay. I further move that, subject to approval by the Critical Area Commission, the Board adopt a resolution and approved amended maps as designated on the draft amended Zoning Maps 40 and 41 attached to this resolution and that the award of growth allocation be subject to the following conditions for the balance of the property:

- 1. Future uses or activities located within the RCA remaining on the site shall conform to the Critical Area program criteria in effect at the time of approval for the requested project.**
- 2. The expanded Critical Area Buffer within the RCA shall be protected from future land disturbances and development. Unavoidable disturbances in the expanded Critical Area Buffer within the IDA shall require variance approval and mitigation to offset the impact of the disturbances.**

I further move that we authorize the Planning Commission Chairman to sign a resolution (Attachment 10 to the staff report [as amended]) transmitting this Planning Commission recommendation to the County Commissioners and Ms. McNeill seconded. The motion passed by a 6-0 vote.

3. CWSP #07-120-007 – Willows Run Subdivision, Phase II

Mr. Jackman read the staff report which recommended approval to amend the CWSP service area maps III-51 and IV-51. Ms. Guazzo asked about the driveway of lot 500-3-B in phase II and if the owner would be keeping this driveway or not. Dean Wilkerson stated the driveway is not part of the application. Mr. Wilkerson stated Willows Run Phase II has a 50 foot platted easement.

Mr. Reeves opened the hearing for public comment, hearing none, closed the hearing to public comment.

After further discussion, Mr. Thompson made a motion in the matter of CWSP #07-120-007, Willows Run Subdivision, Phase II, having accepted the staff report, I move to amend service area maps III-51 and IV-51 to change the service category from W-6 and S-6 (service in 6 to 10 years) to E-3D and S-3D (service in 3 to 5 years, developer financed) for 21.97 acres described as Tax Map 51, Grid 22, Parcel 277 in the 8th Election District in anticipation of providing community water and sewerage service to Phase II lots 47-90 of the Willows Run subdivision and Ms. Guazzo seconded. The motion passed by a 6-0 vote.

FAMILY CONVEYANCE

4. Minor Subdivision #07-110-013 – John Sommerville

Mr. Berry read the staff report which recommended approval of the family conveyance subdivision. Ms. McNeill asked if there was a road maintenance agreement. Mr. Berry stated this would be required at the time the plat is submitted. The maintenance agreement which had been signed by all parties was subsequently produced and submitted for the record.

After further discussion, Mr. Thompson made a motion in the matter of MSUB #07-110-013, John Sommerville Minor Subdivision, having accepted the staff report and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (Criteria for

Approval of a Family Conveyance), I move that the Family Conveyance subdivision plan be approved, with the condition that agreements ensuring access to, and use and maintenance of, the road shall be recorded prior to recordation of the plat and Mr. Chase seconded. The motion passed by a 6-0 vote.

5. Concept Site Plan #06-132-039 – Park Place

Mr. Thompson excused himself from voting on this project. Mr. Bowles read the staff report which recommended approval of a concept site plan for 263,390 square foot commercial center and 38 residential units. Ms. Guazzo asked why the “B” type buffer was less than the required 75 feet. Mark Rinaldi stated the Ordinance allows a one third reduction.

Ms. Guazzo asked how many phases this project has. Mr. Rinaldi stated there are two or three phases. Ms. Guazzo asked how much of this project would be asphalt and stated the amount of impervious surface is normally on the site plan. Mr. Rinaldi stated he has not tabulated the total number because it was not a requirement. Mr. Rinaldi stated the majority of the parking is for the restaurants. Ms. Guazzo stated the staff report is requiring 114 spaces be removed along the service road. Ms. Guazzo stated this leaves 211 extra parking spaces and she would like to see them removed. Mr. Rinaldi stated the tenants specify in their leases how many parking spaces they want. Ms. McNeill asked if Mr. Rinaldi is going over the requested amount of spaces requested by the tenants. Mr. Rinaldi stated they are stretching to meet the tenant’s requirements. Ms. Guazzo stated the restaurants will come without the extra parking spaces.

Ms. Guazzo stated she has a problem with the lack of information on the buffers, she does not want to see a right out, she wants the Shady Mile Intersection entrance moved back 100 feet, and she wants the parking to meet the Ordinance. Ms. Guazzo stated she is concerned about Woodland Road being two narrow.

Ms. Guazzo asked about the water and sewer and stated when the water is brought across the street it should be sized to fit Town Creek. Ms. Guazzo stated usually the developer pays a fee for doing this and METCOM pays the rest and asked if this is correct. Charlotte Armstrong of METCOM is not responsible for planning where water and sewer should go. Ms. Armstrong stated METCOM simply operates and maintains the water and sewer systems. Ms. Armstrong stated the process to extend the surface area would need to be a recommendation from LUGM to go through a Comprehensive Water and Sewer Amendment change. Ms. Armstrong stated at that time METCOM would look at the options of the service area and how far to extend it and the cost of the extension. Ms. Armstrong stated after this is complete METCOM can add the project to the CIP and share the cost along with all of the new customers. Ms. Guazzo stated it looks like the applicant is only bringing water across the road. Ms. Armstrong stated the applicant is extending water across the frontage of their property both on Route 235 and Shady Mile.

Ms. Guazzo asked about the five story office buildings with flat roofs and what is going to go on the roof. Mr. Rinaldi stated they buildings have not been designed, perhaps nothing. Ms. Guazzo stated the 50 foot limit would be at the edge of the flat roof. Mr. Rinaldi stated the buildings have not been designed yet and the end product may or may not have a flat roof. Ms. Guazzo asked if the air conditioning condensers and top to the elevator on the roof is part of the 50 feet. Mr. Canavan stated the requirement is 50 feet on the façade then the air conditioning condensers etc would be over and above the 50 feet as long as it is screened.

Celia Rabinowitz thanked the Commission for allowing her to speak and she realizes this is not a public hearing. Ms. Rabinowitz stated, “I am speaking on behalf of residents who reside near or abut the proposed Park Place development on the corner of Shady Mile Drive and Route 235 North. As the proposed Park Place Development has been and continues to be of great interest to our community we ask that consideration be given to residents allowing them time to write comments to the Planning Commission. During the March 26, 2007 Planning Commission

meeting when Park Place came before you for a water sewerage approval most attendees were surprised to learn that this meeting would be the final time for public testimony. We believe this confusion was briefly discussed during the meeting. Consequently Land Use and Growth Management staff compiled a list of citizens who have closely followed this development for further notification and possible comment. Citizens were told that they would be contacted when the Planning Commission would review the actual Park Place site plan; as far as we know no citizens were contacted. This list of citizens is referred to in the May 22, 2007 Board of County Commissioners meeting minutes. Frankly the process in place for citizen input is flawed. As our County grows and land use and resources are impacted it is imperative that residents have every opportunity to assess and comment on development. We do not believe that water or sewerage approval meetings are the right venue for public comment and testimony. Rather public testimony would be better served not only at the initial zoning approval stage but also later when site plans are more finalized and are discussed before both the Planning Commission and the Board of County Commissioners. This is a logical avenue that would ensure the best interest of the public and the environment. All too often there appears to be little citizen involvement with issues affecting St. Mary's County. Tonight in attendance and those at home watching the broadcast of this meeting attest to what community involvement and interest is all about. Based upon this interest we respectfully ask that you kindly delay your decision of the Park Place concept site plan until the next Planning Commission meeting."

Paul Summers addressed the right out by stating he would be willing to give up land for the project to dedicate land for an additional turn only lane. Mr. Summers stated in this situation the buffer would remain the same because he would bump back the entire project. Mr. Summers stated he would be willing to remove the parking spaces on the interconnector roadway. Mr. Summers described the buffer area topography stating the land is not level. Mr. Summers showed on the site plan where and why type of buffer landscaping he is willing to provide.

After further discussion, Ms. McNeill asked for updated drawings. Ms. Guazzo made a motion to table the decision to the next meeting and Mr. Hayden seconded. The motion passed by a 5-0-1 vote with Mr. Thompson abstained. Mr. Canavan stated the next Commission meeting agenda is full already. Mr. Canavan recommended a friendly amendment to the motion that staff will schedule the application for a future date and staff will notify the citizens of the meeting. Ms. Guazzo amended her previous motion as follows: to table the decision to a future meeting date. Mr. Hayden accepted the friendly amendment and the amended motion passed by a 5-0-1 vote with Mr. Thompson abstained.

6. Concept Site Plan #06-132-043 – Essex Woods, Section 4

Mr. Bowles read the staff report which recommended approval of a concept site plan for 89 townhomes. Mr. Bowles stated the applicant has changed the site plan from 89 townhomes to 82 townhomes. Ms. Guazzo asked about the pockets for parking throughout the development. Mr. Bowles stated those pockets are for guest parking.

Ms. Guazzo asked about the community open space. Jerry Nokelby gave an overview of the project and stated the site plan for 82 townhouses is missing an "A" type buffer yard but due to 51.3.10.a.(4) they feel they are not required to provide this buffer. Mr. Nokelby stated if the Commission does not agree with this the site plan showing 89 townhouses will be used. Mr. Nokelby stated they originally came to the Commission with a community center or open space in section three and at that time it was recommended that they meet with St. Mary's River Watershed Association in regards to the buffer. Mr. Nokelby stated the St. Mary's River Watershed Association feels a wood chipped walking path around the entire site is sufficient for open space and does not want any impervious surface such as a Basketball Court. Ms. McNeill asked about other recreational alternatives to those offered and if there was any way that these could be accommodated recognizing that this housing may have many children and teenagers as residents. Mr. Nokelby stated the Lexington Park Elementary School Recreational & Community

Center was directly across Willows Road and it could be used by the residents. Ms. Guazzo asked if a walking path could be constructed to connect the two. Ms. Guazzo asked if an agreement with the School System to use the facilities was investigated, as use by the residents may tax their resources. Mr. Bowles stated a walking path would be sufficient to satisfy the Ordinance requirements. Ms. Guazzo stated she would like to have a path connecting to Willows Road. Mr. Canavan stated staff would work with the applicant to accomplish this.

After further discussion, Ms. Guazzo made a motion in the matter of CCSP #06-132-043, Essex Woods, Section 4, 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 will provide for a plat showing 82 townhouses for Section 4 and the developers will be required to provide pedestrian access to Willows Road from their property, I move that the concept plan be approved and Mr. Hayden seconded. The motion passed by a 6-1 vote with Ms. McNeill opposed.

DISCUSSION

7. State Highway Presentation on MD Route 4 Planning Study

Felicia Alexander of the State Highway Administration gave a presentation regarding the MD Route 4 Thomas Johnson Bridge Planning Study done by the State Highway Administration (SHA). Ms. Alexander briefed the Commission on the status of the study and upcoming SHA house workshops.

8. Semi-Annual Wildewood PUD Update

Michael Wettengel gave a presentation regarding the Wildewood PUD update including the July 1, 2007 progress report, activity update schedule, sectional approvals, land use program, July 1, 2007 map update, open space schedule, and the open space detail.

ANNOUNCEMENTS - None

ADJOURNMENT

The meeting was adjourned at 10:05 p.m.

Jada Stuckert
Recording Secretary

Approved in open session:

Stephen T. Reeves
Chairman