

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, August 23, 2004**

Members present were John Taylor, Sr., Chairman; Larry Greenwell, Vice Chair; Lawrence Chase, Julia King, Steve Reeves, Joseph St. Clair, and Howard Thompson. LUGM staff present was Denis Canavan, Director; Phil Shire, Planner IV; Jeff Jackman, Senior Planner IV; Trish Guy, Planner II; Chad Holdsworth, Planner II; Mark Kalmus, Planning Technician; and Sharon Sharrer, Recording Secretary. Assistant County Attorney Heidi Dudderar was also present.

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

APPROVAL OF MINUTES – The minutes of August 9, 2004 were approved as recorded.

PUBLIC HEARING

**FOR THE PURPOSE OF RECEIVING PUBLIC TESTIMONY TO
CONSIDER THE FOLLOWING REVIEW OF TEXT AND MAPS OF
THE ST. MARY'S COUNTY COMPREHENSIVE WATER AND
SEWERAGE PLAN (CWSP).**

CWSP #04-120-014 – ST. MARY'S CROSSING

Requesting an amendment to service maps III-42 & IV-42 from W-6D and S-6D (water and sewerage service in six to ten years, developer financed) to W-3D and S-3D (water and sewerage service in three to five years, developer financed). The property contains 249.486 acres, is zoned Residential Low-Density District (RL), and is located on the south side of St. Andrews Church Road (MD 4) at St. Andrews Lane in California, Maryland; Tax Map 42, Grid 18, Parcels 24, 101, 128, & 196.

Owner: St. Mary's Crossing, Ltd.
Agent: John B. Norris, Jr., of NG&O
Engineering

Legal ad was published in the Enterprise on 8/8/04 and 8/11/04.

Notice was duly posted on subject property and letters were sent to adjoining property owners.

Mr. Holdsworth said that the letters sent to adjoining property owners incorrectly identified the hearing board as the Board of County

Commissioners instead of the Planning Commission. The legal ad and the signs posted on property did show the correct information.

The Chair opened the public hearing for public comment.

Walter Raum, who lives on Maryland Route 4 approximately a mile from subject property, asked if the sewer line would be conveyed along Maryland Route 4 to the subject property. Mr. Holdsworth explained that the plan at this time is to go behind the property and behind the properties on Maryland Route 4. He went on to explain that these properties would be allowed to tie into the main if they wished to do so. Mr. Raum explained that he is not against this amendment, he just wants to make sure that it will fit the neighborhood.

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

CWSP #04-132-014 – OAKWOOD LODGE TOWNHOUSES

Requesting an amendment to service map III-65 from W-6D (water service in six to ten years, developer financed) to W-3D (water service in three to five years, developer financed). The property contains 2.386 acres, is zoned Town Center Mixed Use District (TMX), Intensely Developed Areas (IDA) overlay, and is located on the southwest side of Lighthouse Road approximately 1500 feet southwest of Piney Point Road (MD 249) in Piney Point, Maryland; Tax Map 65, Grid 17, Parcel 288.

Owner: Oakwood Sands, Inc.
Agent: Potomac Land, Ltd.
Larry Day, of Day Tech Engineering

Legal ad was published in the Enterprise on 8/4/04 and 8/11/04. Notice was duly posted on subject property and letters were sent to adjoining property owners.

The Chair opened the hearing to public comments. The public hearing closed with no comments.

Mr. St. Clair moved that having accepted the staff report dated August 12, 2004, and after conducting a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan in anticipation of sewerage and water service being provided to the proposed The Lodge at Piney Point; and having found that the subdivision concept complies with the spirit and intent of both the St. Mary's County Comprehensive Plan and the St. Mary's County Comprehensive Zoning Ordinance, that the amendment be recommended to the Board of County

Commissioners for adoption as proposed. The motion was seconded by Mr. Greenwell and passed by a 7-0 vote.

DEVELOPMENT REVIEW

CCSP #03-132-017 – WAL-MART STORE EXPANSION

Requesting review of a Concept Site Plan for a 90,020 square foot expansion to an existing 116,060 square foot building. The property contains 29.5 acres, is zoned Community Commercial District (CC), Airport Environs (AE), and is located at 45485 Miramar Way in California, Maryland; Tax Map 42, Block 6, Parcel 18.

Owner: Wal-Mart Store, Inc.

Agent: Charles A. Garcia, of Freeland & Kauffman, Inc.

This project was reviewed and deferred at the June 14, 2004 Planning Commission meeting pending input from other county agencies.

Mr. Shire noted, for the record, a correction of the minutes from the June 14, 2004 Planning Commission meeting. On page 153, paragraph 5, the last sentence states that “Mr. Shire stated they are building a portion of FDR Boulevard in from Old Rolling Road to serve that subdivision but they will exit through Wal-Mart.” This statement should say that they will not exit through Wal-Mart.

Mr. Shire said that representatives from the Metropolitan Commission (MetCom), the Fire Board, Department of Recreation & Parks (R&P), and the Department of Public Works & Transportation (DPW&T) were present to answer any of the Planning Commissioners’ questions. The only department not represented was State Highway Administration (SHA), but Mr. Shire explained that SHA has approved the traffic impact study.

Maurice Daly, representing MetCom, addressed the members of the Planning Commission regarding the capacity of the water system. The Chair asked if there was an adequate water supply in this area. Mr. Daly explained that you couldn’t pick a better spot in Lexington Park to build a facility like this one. A fire flow test was conducted nearby and showed that there was plenty of water supply in the area.

Joe Guyther, representing the Fire Board, answered questions regarding the type of fire suppression system which will be used in the proposed facility. There will be a 1,000 gallon per minute fire pump to supplement the existing residual water pressure.

John Groeger, Deputy Director of DPW&T, verified that the Wal-Mart traffic impact statement has been approved by both DPW&T and SHA. He

explained that Wal-Mart has offered to build an access road from Wal-Mart to K-Mart, which the County had previously proposed to build. They will also reconfigure the lane use at Shady Glen Drive and Maryland Route 235, put a triple left turn out of Wal-Mart onto Northbound Maryland Route 235, and extend the left turn lane off of Northbound Maryland Route 235 at the Town Center Road entrance to Wal-Mart. The State and the County feel that these improvements will mitigate Wal-Mart's impact.

Phil Rollins, Director of R&P, answered questions from the Planning Commission members regarding the proposed bicycle trail that would go along the railroad right of way. The proposal is for a ten (10) foot wide asphalt trail primarily for bicycle use, but also to be used for pedestrians, roller blades, and wheel chairs. The County owns a 66 foot right of way between the outparcels and the existing parking lot at Wal-Mart. Members asked how the trail would work in the Wal-Mart area, considering all of the traffic in the shopping center. Mr. Rollins explained that this section of the trail has not yet been designed and engineered. It will be a challenge to design and build this trail in an urban area, but it will be a better alternative than having the cyclists travel on Maryland Route 235.

The Chair asked if Wal-Mart has proffered to build a trail through that property. Mr. Garcia, representing Freeland & Kauffman, said that they have not legally proffered, but they will design and build the trail along their frontage.

The Chair explained that this was not a public hearing. This is a concept review. At a concept review, public comments are entertained. This was done at the Planning Commission meeting on June 14, 2004. At that meeting, this project was reviewed and deferred, pending input from other county agencies. The representatives of these agencies answered the questions of the members at this meeting.

Mr. Thompson moved that having accepted the staff report dated June 9, 2004, and having made findings 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 as a prerequisite for final site plan approval, that the concept site plan be approved, conditioned upon proof of TDR ownership, verification of wetland permits, details for the hiker/biker trail being worked out in house with the approval of Planning Staff, and mitigation as a prerequisite to final site plan approval . Mr. Chase seconded the motion. The motion passed with a vote of 6-1, with Ms. King opposing.

FAMILY CONVEYANCE

MSUB #04-110-038 – LAND OF ALFRED WOOD

Requesting review of an additional lot on a private road in accordance with the St. Mary's County Subdivision Ordinance 02-02, section 30.11.4, family conveyance provision. Property contains 2.0 acres, is zoned Rural Preservation District (RPD), and is located on the south side of Millie's Lane approximately 400 feet east of its intersection with MD Route 5; Tax Map 13, Grid 15, Parcel 135.

Owner: Alfred E. & Mary Jean Wood
Agent: Jerry Soderberg, of DH Steffens Co.

Ms. Guy explained that this property is zoned Rural Preservation District (RPD); not Residential, Low-Density (RL) as is shown in the staff report and on the meeting agenda. Approval of this request would bring the total number of lots on this private road to seven (7).

Mr. St. Clair moved that having accepted the staff report dated August 10, 2004, and having made findings pursuant to Section 30.11.4 of the St. Mary's County Subdivision Ordinance, that the Family Conveyance Subdivision plan be approved, as requested. Mr. Thompson seconded the motion. The motion passed with a vote of 7-0.

MSUB #03-110-101 – WHALEN PROPERTY, LOTS 1 & 2

Requesting review of two additional lots on a private road in accordance with the St. Mary's County Subdivision Ordinance 02-02, section 30.11.4, family conveyance provision. Property contains 5.24 acres, is zoned Rural Preservation District (RPD), and is located on the south side of Whalen Road approximately 2,000 feet northeast of its intersection with MD Route 6; Tax Map 4, Grid 9, Parcel 210.

Owner: Spencer P. Whalen
Agent: Matthew Tippet, of RDA Engineering Company, Inc.

Ms. Guy explained that approval of this request would bring the number of lots on the private portion of Whalen Road to twelve (12).

Mr. Reeves moved that having accepted the staff report dated August 10, 2004, and having made findings pursuant to Section 30.11.4 of the St. Mary's County Subdivision Ordinance, that the Family Conveyance Subdivision plan be approved, as requested. Mr. Greenwell seconded the motion. The motion passed by a vote of 7-0.

MSUB #03-120-028- GUY FAMILY ESTATES, LOT 6

Requesting review of an additional lot on a private road in accordance with the St. Mary's County Subdivision Ordinance 02-02, section 30.11.4, family conveyance provision. Property contains 26.91 acres, is zoned Rural Preservation District (RPD), and is located on the northeast side of Baptist Church Road approximately 1,200 feet south of its intersection with Old Village Road in Maryland; Tax Map 13, Grid 3, Parcel 400.

Owner: Aloysius C. Guy, Sr.
Agent: Don Estevez, of Southern Maryland Surveys, Inc.

Mr. Shire explained that approval of this request would bring the total number of lots on this private road to six (6).

Mr. Greenwell moved that having accepted the staff report dated August 10, 2004, and having made findings pursuant to Section 30.11.4 of the St. Mary's County Subdivision Ordinance, that the Family Conveyance Subdivision plan be approved, as requested. Mr. St. Clair seconded the motion. The motion passed by a vote of 7-0.

DEVELOPMENT REVIEW CONTINUED

PSUB #03-120-040 – CLEMENTS LANDING, SECTION 2

Requesting preliminary review of a 38-lot major subdivision. Property contains 22.99 acres, is zoned Residential Low-Density (RL) and Residential Mixed Use (RMX), and is located on the southeast side of Buck Hewitt Road approximately 2,100 feet southwest of its intersection with MD Route 235 in Maryland; Tax Map 43, Grid 8, Parcel 444.

Owner: Usterra Hewitt, LLC
Agent: Larry Day, of DayTech Engineering, Inc.

Members expressed concerns regarding the traffic leaving Buck Hewitt Road and entering Maryland Route 235. Staff explained that the people leaving this development can only make a right hand turn onto Maryland Route 5.

Ms. King moved that having accepted the staff report dated August 12, 2004, and having made findings pursuant to Section 30.5.5 of the St. Mary's County Subdivision Ordinance, including adequate facilities as described in the Director's Report, that the preliminary subdivision plan be approved, conditioned upon proof of TDR ownership as a prerequisite

to final subdivision approval, as requested. Mr. Thompson seconded the motion. The motion passed by a vote of 7-0.

CCSP #04-132-017 – AIRPORT INDUSTRIAL PARK, LOTS 1 & 2

Requesting review of a Concept Site Plan for a 53,925 square foot industrial park. Property contains 6.25 acres, is zoned Industrial (I), Airport Environs (AE) overlay, and is located on the south side of Airport Drive approximately 1,300 feet west of its intersection with MD Route 235 in California, Maryland; Tax Map 34, Grid 8, Parcel 299, Lots 1 & 2.

Owner: Charles G. & Mary R. McDaniel
Agent: Larry Day, of DayTech Engineering, LLC
Wayne Davis, of W. M. Davis General Contractors

Mr. Davis explained that the proposed industrial park would consist of several smaller buildings, allowing space for smaller businesses which have trucks or equipment that they need to store.

Mr. Chase moved that having accepted the staff report dated August 11, 2004, 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, that the concept site plan be approved, as requested. Mr. Greenwell seconded the motion. The motion passed by a vote of 7-0.

PSUB #03-120-030 – BREEZY ACRES SUBDIVISION, SECTION 2, LOTS 2-10

Requesting preliminary review of a 9-lot major subdivision. Property contains 51.69 acres, is zoned Rural Preservation District (RPD), and is located on the south side of MD Route 234 across from its intersection with Long Road; Tax Map 24, Grid 19, Parcel 74.

Owner: James L. Queen, Bryant Lawrence Construction
Agent: John B. Norris, Jr., of NG&O Engineering

Mr. Reeves moved that having accepted the staff report dated August 12, 2004, and having made findings pursuant to Section 30.5.5 of the St. Mary's County Subdivision Ordinance, including adequate facilities as described in the Director's Report, that the preliminary subdivision plan be approved, as requested. Mr. Thompson seconded the motion. The motion passed by a vote of 7-0.

ADJOURNMENT – 8:23 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session: September 27, 2004

John F. Taylor
Chairperson