

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, September 11, 2006**

Members present were Steve Reeves, Chair; Howard Thompson, Vice Chair; Lawrence Chase; Merl Evans; Shelby Guazzo; Brandon Hayden; and Susan McNeill. Department of Land Use and Growth Management (LUGM) staff present were Jeff Jackman, Senior Planner; Phil Shire, Planner IV; Bob Bowles, Planner II; Dave Berry, Planner I; and Cindy Koestner, Recording Secretary. County Attorney, Christy Holt Chesser, and Deputy County Attorney, Colin Keohan were also present.

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

APPROVAL OF THE MINUTES – The minutes of August 28, 2006 were approved as recorded. The Planning Commission also approved minutes of the joint public hearing with the Board of County Commissioners (BOCC) on August 8, 2006 as recorded.

PUBLIC HEARING DECISION (continued from 8/28/06)

On proposed amendments to the maps of the St. Mary's County Comprehensive Zoning Ordinance (Ordinance Z-02-01, adopted May 13, 2002 and subsequently amended) (CZO). The proposed amendments are intended to implement the Lexington Park Development District (LPDD) Master Plan as adopted by the BOCC November 1, 2005 (the Master Plan). The area under consideration for map amendments is limited to the Lexington Park Development District as defined in the Master Plan.

Mr. Jackman explained on August 28, 2006 the Planning Commission reviewed and responded to four sets of proposed rezonings as follow-up to the adoption of the Master Plan. There were two oral comments heard at the public hearing on August 8th that were not discussed at the August 28th meeting. These two comments and associated properties will be discussed tonight.

Property: Tax Map 43, Parcel 237; 0.91 acres

Mr. Jackman explained this property is owned by Terry Adair and is located at the intersection of Chancellor's Run Road and Norris Road. Mr. Adair would like the current zoning changed from Residential Low Density District (RL) to Residential Mixed Use District (RMX) for the following reasons: Chancellor's Run Road is going to be widened, which will decrease his property value as it is currently zoned; there are properties located across the road and north of Military Lane that are zoned RMX; and there are several offices located in the general area. Mr. Adair requested three neighboring parcels also be rezoned: Parcels 181, 236 and 275. Mr. Jackman explained the nearby office developments are the result of the Greenview West Planned Unit Development. He reviewed construction plans for the widening of Chancellor's Run Road and noted, while Norris Road will be moved further away from Mr. Adair's property, the right-of-way boundary for Chancellor's Run Road will be closer to Mr. Adair's existing residence.

Mr. Jackman explained the Master Plan does not support RMX zoning at this location and the widening of Chancellor's Run Road was already anticipated when the Master Plan was adopted. Mr. Reeves inquired about how far Mr. Adair's house will be from the widened road. Mr. Jackman estimated the house will be 25 to 30 feet away from the road. He noted Mr. Adair will get an upgraded driveway and entryway onto Chancellor's Run Road.

Mr. Thompson commented this area contains a lot of homes and it is too soon to look at rezoning Mr. Adair's property, he and Ms. McNeill both agreed the rezoning request can be revisited in the future after Chancellor's Run Road is widened.

Mr. Thompson moved that having reviewed comments made by Mr. Terry Adair at the August 8, 2006 joint Planning Commission – Board of County Commissioners public hearing on the Lexington Park Development District comprehensive rezoning, and having accepted the analysis and recommendation in Post Hearing Staff Report No. 2, the Planning Commission recommend to the Board of County Commissioners that the zoning for Parcel 237 of Tax Map 43 remain RL. The motion was seconded by Mr. Hayden and passed by a 7-0 vote.

Property: All properties fronting Chancellor's Run Road

Mr. Jackman explained Rosalyn Wolbright expressed concerns at the August 8th hearing regarding the widening of Chancellor's Run Road; she asked staff to evaluate the zoning of all properties fronting this road and revise the zoning as needed. Mr. Jackman stated the zoning and land use long Chancellor's Run Road will be examined on an ongoing basis and State law requires the Master Plan be reviewed at least every six years. He stated the Master Plan recommends all properties currently zoned RL, RMX and Residential Neighborhood Conservation (RNC) retain their current zoning at this time.

Mr. Thompson moved that having reviewed comments made by Ms. Rosalyn Wolbright at the August 8, 2006 joint Planning Commission – Board of County Commissioners public hearing on the Lexington Park Development District comprehensive rezoning and accepting the analysis and recommendation in Post Hearing Staff Report No. 2, the Planning Commission recommend to the Board of County Commissioners that the zoning for all RL, RNC and RMX zoned properties fronting on Chancellor's Run Road remain unchanged. The motion was seconded by Mr. Hayden and passed by a 7-0 vote.

Mr. Jackman asked the Planning Commission to authorize the chair to sign a resolution to transmit its Master Plan map amendment recommendations to the BOCC.

Mr. Chase moved that having reviewed all comments included in the official record for the August 8, 2006 joint Planning Commission – Board of County Commissioners public hearing on the Lexington Park Development District comprehensive rezoning, and accepting draft PC Resolution No. 06-23 prepared by staff as inclusive of the Planning Commission's response to those comments, the Chair be authorized to sign the Resolution on behalf of the Planning Commission to transmit its recommendation to the Board of County Commissioners regarding the comprehensive rezoning of the Lexington Park Development District. The motion was seconded by Mr. Thompson and passed by a 7-0 vote.

FAMILY CONVEYANCE

MSUB #05-110-125 – FRANCIS BEAN SUBDIVISION

The applicant is requesting preliminary approval 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. The property contains 4 acres; is zoned Rural Preservation District (RPD); and is located at Indian Bridge Road, California, Maryland; Tax Map 42, Grid 22, Parcel 202.

Owner: Francis Aloysius Bean, Trustee
Present: William Higgs of Little Silences Rest, Agent

Certified notice was mailed to all users of the private road and contiguous property owners and certified mail receipts were received by staff.

Mr. Bowles reviewed the staff report and explained there are no outstanding issues relative to approval of this family conveyance. He stated the applicant has agreed to meet all requirements of Section 30.11.4 of the Ordinance. Silences Rest Lane is a recorded 50-foot right-of-way with a 12-foot to 14-foot gravel-surfaced travel way and is well maintained.

Mr. Reeves asked if staff received any correspondence regarding this case. Mr. Bowles replied no correspondence had been received.

Mr. Thompson moved that having accepted the staff report, dated August 23, 2006, and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (*Criteria for Approval of a Family Conveyance*), 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. The motion was seconded by Ms. McNeill and passed by a 7-0 vote.

DISCUSSION

COMPREHENSIVE WATER AND SEWER PLAN

Mr. Shire explained it is time to adopt a new Comprehensive Water and Sewer Plan (CWSP). The current plan was adopted in 1993 and there were roughly 15 amendments to the CWSP in 2005, necessitating 45 reviews by the Planning Commission and 15 by the BOCC; a new plan is needed to save the time required for piecemeal amendments to an out-dated plan. A new plan was drafted and sent through the process for adoption in 2003, but adoption was tabled. Mr. Shire explained staff intend to bring a new, fully amended CWSP back to the Planning Commission for review.

Ms. Guazzo asked how far the 2003 plan progressed before it was postponed. Mr. Jackman replied the Planning Commission signed a resolution to recommend the 2003 CWSP and the BOCC held a public hearing and work sessions for the recommended plan; however, the BOCC decided to hold off on adopting the CWSP until after the Master Plan was completed due to land issues west of Indian Bridge Road. Ms. Guazzo asked if staff plan to hold another public hearing before trying to adopt a new CWSP. Mr. Jackman replied public hearings will be held because the 2003 draft is already three years old and will need several updates.

THE ADOPTED TRANSPORTATION PLAN

Mr. Shire reported that the BOCC Commissioners adopted the Transportation Plan on August 29, 2006. He provided a report prepared for the BOCC by George Erichsen, Director of the Department of Public Works and Transportation, as the final plan was being adopted that lists the few changes made to the Planning Commission's May 2006 recommended transportation plan. Copies of the final plan should be available within the next two or three weeks in both printed and electronic format and will be posted on the County's web site.

ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

Cindy R. Koestner
Recording Secretary

Approved in open session: September 25, 2006.

Stephen T. Reeves
Chairman