

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, September 13, 2004**

Members present were John Taylor, Sr., Chairman; Lawrence Chase, Julia King, Steve Reeves, and Joseph St. Clair. Department of Land Use & Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Trish Guy, Planner II; Chad Holdsworth, Planner II; Bob Bowles, Plans Reviewer; Mark Kalmus, Planning Technician II; and Sharon Sharrer, Recording Secretary. Assistant County Attorney Heidi Dudderar was also present.

The Chair called the meeting to order at 6:33 p.m.

DECISION

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

Requesting amendment of service maps III-42 & IV-42 to change 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. Andrew's Church Road at St. Andrews Lane in California, Maryland; Tax Map 42, Grid 18, Parcels 24, 101, 128, and 196.

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

The Board conducted and closed a public hearing on August 23, 2004, leaving the record open for ten (10) days for written comments. No comments were received during the open period. Clarification from the agent was received during this period amending the available density the property allows to 395 lots, not 333 lots as shown on the preliminary concept plan.

Mr. Chase moved that, having accepted the Staff Report, and after having conducted 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 St. Mary's Crossing Subdivision; and having found that the proposed amendment complies with the St. Mary's County Comprehensive Zoning Ordinance, the amendment be forwarded to the Board of County Commissioners for approval, as requested. The motion was seconded by Mr. St. Clair and passed by a 5-0 vote.

PUBLIC HEARING

FOR THE PURPOSE OF RECEIVING PUBLIC TESTIMONY TO CONSIDER TWO (2) AMENDMENTS TO THE OFFICIAL ZONING MAPS OF THE ST. MARY'S COUNTY COMPREHENSIVE ZONING ORDINANCE 02-01.

EVANS SEAFOOD RESTAURANT

Requesting a Zoning Map Amendment from Rural Preservation District (RPD) to Commercial Marine (CM). The property is located on St. George Island in Maryland; Tax Map 66, Grid 19, Parcel 48.

Owner: Chesapeake Stafford Restaurants LLC c/o Bill Blanton

Legal ad was published in the Enterprise on 8/25/04 and 9/1/04. Property was posted and adjoining property owners were notified. Receipts from the certified mailing are in the file.

Mr. Jackman said that the subject property was zoned Commercial Marine under Zoning Ordinance Z-90-11. The County Commissioner directed that all CM zones under Ordinance Z-90-11 be carried forward as CM zones. There is no evidence in the record indicating that the subject property should have been treated differently. Staff therefore concludes that an error was made in the rezoning, and that the Official Zoning Maps should be corrected to assign CM zoning to this property. Mr. Jackman provided a copy of minutes from the County Commissioners' work session on April 4, 2002 showing that Chesapeake-Stafford Restaurant (formerly Evans) should remain CM. While this notation should say AKA Evans instead of formerly Evans, Mr. Jackman said that the intention was clear.

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

Mr. Chase moved that a recommendation be forwarded to the Board of County Commissioners for the Official Zoning Maps to be corrected to assign Commercial Marine (CM) zoning to the subject property. The motion was seconded by Mr. St. Clair and passed by a 5-0 vote.

THE COLE PROPERTY

Requesting a Zoning Map Amendment from Rural Preservation District (RPD) to Residential Low-Density (RL). The property is located just west of Willows Road in Lexington Park, Maryland; Tax Map 51, Grid 16, Parcel 94.

Owner: Charlene Cole

Legal ad was published in the Enterprise on 8/25/04 and 9/1/04. Property was posted and adjoining property owners were notified. Receipts from the certified mailing are in the file.

Mr. Jackman said that the subject property is surrounded by Residential Low-Density (RL) zoning, but is itself zoned Rural Preservation District (RPD). In 1986, the owners of the adjoining property and the State of Maryland entered into an Agricultural Land Preservation District Easement Agreement. To reinforce the restrictive nature of this agreement, the county assigned RPD zoning to the property. At the same time, parcel 94 was also zoned RPD. The question is whether this was done in error or if this was the intent at that time. Since staff has found nothing in the records to substantiate the intent for parcel 94 at the time of the rezoning, Mr. Jackman requested a continuance be granted to research the situation more fully.

The Chair opened the hearing to the public.

Delores and Donald Manani, the owners of parcel 41, said that they do not want this request to be granted. Mrs. Manani expressed concern about the portion of the APLD zoning that is separated from their farm by the subject property. They also spoke about the potential problem of adding additional users to the private road, where maintenance is already an issue.

Charles Newkirk, co-owner of subject property, said that their property is a distinct and separate lot from the ALPD. He feels that originally a mistake was made. He said that they do not intend to develop this lot excessively. They would like to be able to have the option of cutting an acre off of their property for their daughter when she comes home from college.

The Chair questioned if there are other areas in the Development District which are zoned RPD. Mr. Jackman replied that there are not any others under the Comprehensive Plan in any of the Town Centers, Village Centers, or Development Districts.

Ms. King moved that the Board grant a continuance until the next scheduled Planning Commission meeting, September 27, 2004 at 6:30 p.m. in Room 14 of the Governmental Center, to allow staff additional time to research previous zoning changes in the archives. The motion was seconded by Mr. St. Clair and passed by a 5-0 vote.

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

CWSP #04-120-023 – ESTATES AT JOY CHAPEL CWSP AMENDMENT

Requesting amendment of service maps III-27 & IV-27 to change the water service category from W-6D and S-6D (water and sewerage service in 6 to 10 years, developer financed) to W-3D and S-3D (water and sewerage service in 3-6 years, developer financed). The property contains 33.87 acres, is zoned Residential Mixed Use (RMX), and is located at the southeast corner of the intersection of Mervell Dean Road and Joy Chapel Road in Hollywood, Maryland; Tax Map 27, Grid 19, Parcel 431.

Owner: Dillow Revocable Trust c/o Mark Dillow
Agent: William Higgs, of Little Silences Rest, Inc.

Legal ads were published in the Enterprise on 8/25/04 and 9/1/04. Property was posted by 8/30/04.

The Chair opened the hearing to the public.

Bob Tracy, a property owner in the area, was concerned about soil conservation in conjunction with this project. Mr. Holdsworth explained that this project would have to go through the TEC review process, and Soil Conservation District (SCD) is one of the agencies represented on that committee. He said that the developer would have to meet the recommendations and requirements that are put forth in that TEC meeting before he can move forward with preliminary subdivision approval.

Karen Wood, who lives directly across Joy Chapel Road from the proposed development, was concerned about the additional traffic in the area and the narrowness of Joy Chapel Road. Mr. Holdsworth explained that a traffic study is underway, which would need to be reviewed. Adequate Public Facilities (APF), including traffic, is one of the criteria which must be met prior to preliminary subdivision approval.

Bruce Newell, who lives at the end of Joy Chapel Road, asked whether the development would be solely single-family homes, or if townhouses or condominiums would be included.

The Chair explained that the question being considered at this hearing was only the water and sewer plan, not the development itself.

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

FAMILY CONVEYANCE

MSUB #04-110-043 – RUBEIN R. SANDY

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. The property contains 15.0 acres, is zoned Rural Preservation District (RPD), and is located at 27276 Sandy Acres in Mechanicsville, Maryland; Tax Map 13, Grid 10, Parcel 3.

Owner: Rubein Ralph Sandy
Agent: Mike Bailey, of DH Steffens Company

Ms. Guy said that approval of this request would bring the number of users on this private road to six (6) lots.

Mr. St. Clair moved that having accepted the staff report and having made a finding pursuant to Section 30.11.4 of the Subdivision Ordinance, the Board approve the Family Conveyance subdivision plan, as requested. The motion was seconded by Mr. Chase and passed by a 5-0 vote.

DISCUSSION/REVIEW

LEXINGTON PARK DEVELOPMENT DISTRICT FINAL DRAFT MASTER PLAN

Mr. Jackman said that the Planning Commission should receive a draft copy of the Lexington Park Development District Master Plan, along with a summary of the changes in this document, in their packages for the September 27, 2004 Planning Commission meeting.

BOARD OF COUNTY COMMISSIONERS' 2005 LEGISLATIVE PACKAGE

A memorandum was provided to the Planning Commission members from the County Administrator requesting that a completed Legislative Proposal Form be submitted to Assistant County Attorney Heidi Dudderar on or before the close of business on September 20, 2004.

ADJOURNMENT

The meeting was adjourned at 7:17 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session: September 27, 2004

John F. Taylor, Sr.
Chairperson