

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Tuesday, October 9, 2007**

Members present were Stephen Reeves, Chairman; Howard Thompson, Shelby Guazzo, Brandon Hayden, Susan McNeill, and Merl Evans. Members excused were Lawrence Chase. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Deputy Director; Sabrina Hecht, Planner IV; Jeff Jackman, Senior Planner; Bob Bowles, Planner II; 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 9/24/07 were approved as presented and the minutes of 8/24/07 were re-approved as amended.

PUBLIC HEARINGS

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

Mr. Thompson excused himself from voting on this project. Mr. Bowles gave an overview of the staff report which recommended approval of a 297,150 square foot commercial center and 38 residential units stating this is a continuance of a public hearing held August 13, 2007. Mr. Bowles stated the applicant has amended the original site plan as follows; one, 297,150 square foot building has been reduced to 280,700 square feet; two, 46 residential units have been reduced to 38 residential units using TDR's. The third change is as listed below.

Mr. Bowles stated the revised plan has no parking along the inter-parcel access. Additional parking was used by the addition of approximately 17,310 square foot to this site plan. 23,700 square foot, of new office space, 1,500 square foot, additional restaurant space and reducing the hotel by 7,500 square foot and the personal business by 840 square foot equals the additional. Parking was reduced overall from 1,218 to 1,158. There will be a 50 foot wide "B" type buffer, with a 6-foot earthen berm, this would include 4 canopy trees, 5 under-story trees, 22 shrubs and 11 evergreens/conifers, every 100 feet, from the first entrance proposed to the second proposed entrance on Shady Mile Drive and all along MD 235. The applicant met with both DPW&T and SHA regarding off-site transportation improvements. SHA requested that an attempt be made to obtain right-of-way from the properties found to the northeast quadrant of the Shady Mile Drive and MD 235 intersection, for the purposes of installing a deceleration lane from northbound MD 235 to Shady Mile Drive. Applicant has agreed to pursue this option. If this option is not attained then applicant will add a new thru lane along the westbound side of northbound MD 235, across the entire frontage of the applicant's property.

Ms. McNeill asked if there would be less impervious surface. Mr. Bowles stated the impervious surface would remain the same. Ms. Guazzo asked if the applicant could submit smaller buildings during the final review in order to obtain more parking spaces. Mr. Bowles stated the site plan being shown now is what the plan will ultimately be during the final site plan review however yes, this would be allowed. Mr. John Parlett stated the amount of parking requested will serve all the uses in the site plan.

Mr. Parlett submitted Exhibit A – Concept Site Plan Subdivision Sketch Plan and described the berm detail and landscape strip stating it would be a type "B" buffer with a sidewalk. Ms. Guazzo asked if there would be a berm. Mr. Parlett assured Ms. Guazzo that there would be a berm installed to screen headlights. Ms. Guazzo asked Mr. Parlett how he is representing the client. Mr. Parlett stated he is a dual and vested partner in the project. Ms. Guazzo asked if Mr. Parlett had equity interest. Mr. Parlett stated, yes and assured the Commission that his previous work in St. Mary's County has been very upstanding.

Mr. Reeves asked about the 50 foot buildings with flat roofs. Mr. Parlett stated the buildings would either have pitched roofs or mansard roofs. Mr. Parlett stated none of the buildings would be large box buildings, only multiple smaller buildings keeping within the 50 foot height limit. Mr. Evans asked if the mansard roof would be screened. Mr. Parlett stated if a mansard roof is chosen it would be screened.

Ms. Guazzo asked about the outstanding traffic study. Mr. Parlett stated there are two options, one is to obtain the right-of-way, if the right-of-way cannot be obtained the additional traffic lane will not be allowed.

Ms. Guazzo stated she is concerned with the paving of 20 acres of land and where the water run-off is going to go. Ms. Guazzo stated she spoke with Bruce Young who said the water discharge could not be more than what is coming out of the pond today. Mr. Parlett stated he understands this and the project would not increase the amount of discharge. Mr. Parlett explained the groundwater recharge is the percentage of water re-injected into the ground, bioretention to clean the water before it is injected into the ground, and forbays would all be planned and inspected through the appropriate agencies prior to final approval and construction. Ms. Guazzo asked about rebuilding the embankment and working on the residential side of the road. Mr. Parlett stated the applicant would be willing to do everything possible to obtain the proper permits and approvals.

Ms. Guazzo stated the State of Maryland Legislature passed a law to update the Stormwater Management Manual and asked that the project be designed to meet these new laws which became effective October 1, 2007. Mr. Parlett stated the applicant would be willing to design everything to meet the spirit and intent of these new laws. Ms. Guazzo stated if the vote is to approve the concept site plan she would ask for a condition to design to these standards. Mr. Parlett explained the actual manual might not be written for another couple months and the project needs to move forward if approved tonight. Mr. Parlett assured Ms. Guazzo the project would be designed to the spirit and intent of the new laws.

Ms. Guazzo asked about the letter Mr. Denis Canavan was supposed to write to METCOM regarding extending and enlarging the water piping. Mr. Parlett stated the applicant would be willing to extend piping towards the rear of the project and enlarge the water pipe as appropriate. Mr. Chet Frederick of METCOM stated METCOM would be glad to build what is asked by the Planning Commission. Mr. Phil Shire assured the Commission that staff would work with the applicant and METCOM to arrange the extension and enlargement.

Ms. Celia Rabinowitz read a statement on behalf of the surrounding property owners stating the citizens are appreciative of the developers few concessions such as a berm on Shady Mile Drive, some traffic mitigation, and required BMPs to ease our concerns, but unfortunately they are not sufficient. Ms. Rabinowitz requested the Commission deny the major site plan at this time, both the RMX and RNC parcels and asked that the Commission consider our lives and our community, and the safety and well being of the county at large. Ms. Rabinowitz submitted the full statement as Exhibit B for the record.

Mr. Parlett stated the applicant would be addressing more of the environmental and traffic issues as the project moves on. Mr. Reeves asked how long before actual construction would take place. Mr. Parlett explained the concept site plan is only valid for one year from the date of the decision and the Planning Director could grant a one year extension. Ms. Guazzo stated she is glad to see a local developer like Mr. Parlett is involved in this project.

Mr. Carl Wilson addressed traffic mitigation listing several different options such as an extra lane, second left turn lane, right-in-right-out lanes. Mr. Parlette stated there is no intention to utilize Woodland Drive for traffic mitigation however; the applicant would be willing to post a bond for future improvements such as signage or speed humps for Woodland Drive if necessary. Mr.

Reeves suggested the developer set up a meeting with the neighboring citizens to ease their concerns. Mr. Parlett stated he would be will do set up such a meeting after the concept site plan was approved. Amy Humphries asked if the concept site plan is approved tonight how the citizens would be able to stop the development. Mr. Reeves stated the intention is not to prohibit the development. Ms. Guazzo asked if the applicant would be willing to post a bond for the future development of Woodland Drive. Mr. Parlett stated they would be willing to post a bond for future development.

Ms. McNeill asked if an environmental study by MDE had been considered by staff. Mr. Bowles stated MDE is a part of the Technical Evaluation Committee (TEC) meaning MDE has to sign off on the project prior to the final approval.

After further discussion, ***Ms. Guazzo made a motion in the matter of CCSP #06-132-039, Park Place, 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 has met all requirements for concept approval, we add at this time the following conditions:***

- 1. The Stormwater Management for Park Place will be designed to comply the 2007 Stormwater Management Act that became effective October 1, 2007.***
- 2. The developer will post a bond for any future traffic calming improvements needed to Woodlong Drive.***

I move that the concept site plan be approved and Mr. Evans seconded. Ms. McNeill offered a friendly addition to the motion which would add the following condition:

- 3. The developer will add a second forcemain to facilitate the future improvements to serve North Town Creek with METCOM's participation and approval.***

Ms. Guazzo accepted the friendly amendment and the motion passed by a 5-0-1 vote.

FAMILY CONVEYANCE

Minor Subdivision #06-110-134 – Westfield Subdivision

Mr. Bowles gave an overview of the staff report which recommended 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.

Ms. Guazzo asked about the remaining parcel with two dwellings and if it could be further subdivided later. Mr. Bowles stated yes, five acres could be subdivided in the future. Ms. McNeill asked about the status of the road. Mr. Jerry Nokelby gave a brief overview of the road and submitted Exhibit A – pictures of the private road for the record.

Mr. Evans made a motion in the matter of MSUB #06-110-134, Westfield Subdivision, Lot 7A, 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 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. Hayden seconded. The motion passed by a 6-0 vote.

Minor Subdivision #07-110-002 – Dennis Property Lots 1 & 2

Mr. Bowles gave an overview of the staff report which recommended 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.

Ms. Guazzo asked if there was a proposed new dwelling. Mr. Bowles stated the applicant could come back at a future date and request a new dwelling. Mr. John Delozier stated he received no notice of the hearing. Mr. Bowles provided a copy of the certified mail receipt with Mr. Delozier's signature. Mr. Nokelby stated for the record one property owner was not notified of the hearing because the property was not shown on the tax map.

Mr. Nokelby gave an overview of the conveyance stating there would be no additional traffic and a previous road maintenance agreement was signed by Mr. Delozier. Mr. Nokelby stated Mr. Delozier owns three lots on this road and when solicited for signature of the new road maintenance agreement refused to sign. Mr. Delozier stated he did not sign the road maintenance agreement because the Dennis' built a house without a permit on their property. Mr. Delozier stated he does not believe there is a 50 foot right-of-way.

Ms. Kathy Delozier stated she also did not receive a letter and has complained to Planning and Zoning several times about the cars coming from the Dennis property and the satellite business they are running out of their home.

Ms. Guazzo asked that staff research the deeds to find out who owns the road. It was also recommended that the applicant and Mr. Delozier come to an agreement with the road maintenance agreement if possible.

Ms. Guazzo made a motion in the matter of MSUB #07-110-002, to table the decision to a future meeting, set by staff, and Ms. McNeill seconded. The motion passed by a 6-0 vote.

ANNOUNCEMENTS: None

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: November 13, 2007

Stephen T. Reeves
Chairman