

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION  
HIGHER EDUCATION CENTER \* CALIFORNIA, MARYLAND  
Tuesday, October 14, 2003**

Members present were John F. Taylor, Sr., Chairperson; Larry Greenwell, Vice Chair; Lawrence Chase, Julie King, Jim Raley, Steve Reeves and Joe St. Clair. LUGM staff present were Denis Canavan, Director; Jeffrey Jackman, Senior Planner; Phil Shire, Planner IV; Sue Veith, Environmental Planner; Yvonne Chaillet; Planner III; Chad Holdsworth, Capital Facilities Planner; Bob Bowles, Planning Specialist; and Peggy Childs, Recording Secretary. County Attorney John B. Norris, III was also in attendance.

A list of attendees is on file in DPZ. The Chair called the meeting to order at 6:30 p.m.

Because of the Columbus Day Holiday observed on Monday, October 13<sup>th</sup>, this regular meeting of the Commission was moved to Tuesday.

**APPROVAL OF MINUTES**

The minutes of September 22, 2003 were approved as recorded.

**PUBLIC HEARINGS**

**Amendment to Airport Master Plan – Sheets 2 & 9 of Airport Layout Drawing**

Amend Sheets 2 and 9 of the Airport Layout Drawing to reflect the minor revisions

and proposed airplane hangar development on land owned by the Board of County

Commissioners. The property is located at the St. Mary's County Airport in

Hollywood, Maryland; Tax Map 34, Block 7, Parcel 131.

Present: George Erichsen, Director, DPW&T / Airport Manager

Pat Weaver, Developer

Mr. Canavan provided a brief overview of these two proposed amendments regarding the St. Mary's County Airport. Both public hearings were advertised in The Enterprise on September 24, 2003 and October 1, 2003 and both amendments are scheduled before the County Commissioners on Tuesday, October 21, 2003. Mr. Canavan asked that, following public comment, the

Commission close the hearings and take action tonight, forwarding a recommendation to the Board of County Commissioners.

As detailed in his memorandum of September 30, 2003, Mr. Erichsen explained that two sets of five hangars have recently been constructed on 5.2 acres of airport property. In addition, 6 small, twin-engine 41' X 48' hangars, five corporate hangars at 62' X 65', and two large 100' X 100' hangars have been constructed on approximately 5 acres of land purchased from an adjoining property owner and dedicated to the County through the formal plat process. Water and sewer is available to and a right-of-way consisting of 1.17 acres has been provided around the development for a future connection to Lawrence Hayden Road. The development is consistent with the Airport Master Plan and has been approved by the FAA (Federal Aeronautics Administration) and the MAA (Maryland Aeronautics Administration). What is required now is to amend Sheets 2 and 9 of the Airport Master Plan to include the development.

The Commission had no questions and the Chair opened the hearing to public comment. There were no comments.

**Mr. Greenwell moved that the Commission forward to the Board of County Commissioners a recommendation for approval of the proposed amendments to Sheets 2 and 9 of the Airport Master Plan to reflect the minor revisions and airplane hangar development at the County Airport. The motion was seconded by Mr. St. Clair and passed by 7-0.**

**TEXT AMENDMENT TO ZONING ORDINANCE #02-01**

**Article 5, Regulation of Uses and Chapter 50, Use**

**Classifications**

Amend the Regulation of Use Table on Page 50-19, Use #85, Airport Landing Strip

and Heliport, to allow development proposals as Permitted Uses on Industrial (I)

property in accordance with the Airport Master Plan. Development proposals not

shown on the Airport Master Plan will remain Conditional Uses.

Present: Yvonne Chaillet, Planner III, LUGM

This is a proposal to allow publicly-owned airports as permitted uses in the Industrial (I) District. Under existing regulations, publicly-owned airports may expand up to 25% with approval from the Director of the Department of Land Use & Growth Management; however, expansions over 25% require conditional use approval by the Board of Appeals. Staff recommends amending Use #85 to make publicly-owned regional airports a permitted use. All other airports will remain conditional uses.

There were no questions from the Commission and the Chair opened the hearing to public comment. There were no comments.

Mr. Greenwell moved that the Commission forward a recommendation for approval of the proposed amendment, as follows:

Page 50-19, Use type 85: Under the "I" column, change "C" to "P/C"

Page 51-27, Line 18 - Airport, Landing Strip, and Heliport:  
Under a. General Standards

add a new number one and renumber the remaining General Standards. The new number one will read as follows:

(1) Publicly-owned airports, landing strips, and heliports are permitted with an Airport Master Plan. All other airports, landing strips, and heliports may be allowed only upon approval of a conditional use by the Board of Appeals.

The motion was seconded by Mr. Raley and passed by 7-0.

**#03-120-029 – Leonardtown Wharf Growth Allocation Request**

Requesting approval of a general request for award of 3.136 acres of the County's

Critical Area Growth Allocation to accommodate development of 26 lots within the

Leonardtown Wharf property. The property contains 5.9 acres total, is zoned CM with

LDA Overlay (Leonardtown Zoning) and is located at the end of Washington Street

in the Town of Leonardtown; Tax Map 133, Parcels 330 and 326; the balance of the

property consists of Parcels 324, 325, 327, 328 and 329.

Owners: RAR Associates (Parcel 330)  
St. Mary's Ice & Fuel, Inc. (Parcel 326)

Present: Sue Veith, LUGM Environmental Planner  
J. Harry Norris, III, Mayor of Leonardtown  
Laschelle Miller, Town Administrator

Legal Ad published in The Enterprise newspaper

Property posted by staff

#A-1 Certified Receipts of notification to contiguous property owners

Ms. Veith stated that this request was submitted in accordance with the revision to the new Critical Area Ordinance which became effective on September 26, 2003, which states that the County may grant growth allocation based on a general request from the Town of Leonardtown, rather than reviewing the entire project. The request is for 3.136 acres of growth allocation to accommodate 26 lots on approximately 5.9 acres, along with the attendant parking and associated facilities. The project has been through the Town of

Leonardtown's planning and approval process and has been approved by both the Town and the Critical Area Commission. No major issues have been identified by LUGM and staff recommends the Commission forward a recommendation for approval to the Board of County Commissioners. Since the 1,689.75 acres of growth allocation was designated for St. Mary's County on March 27, 1990, 152.204 acres have been awarded, leaving a balance of 1,537.546 acres remaining.

The old Leonardtown Wharf that existed on this property was destroyed by fire 15 years ago. Mayor Harry Norris stated that the waterfront area has always been crucial to the Town and for the past 7 or 8 years the Town has worked very hard to revitalize the area and to come up with a plan that is beneficial to the residents. They think they have done that in this plan. Mr. Norris entered into the record a letter received from the Leonardtown Business Association in support of the project, as Applicant's Exhibit #A-2.

Town Administrator Laschelle Miller presented the plan, stating that, of the four properties included in the project, only two are being requested for growth allocation and rezoning from LDA to IDA. The remaining properties are already zoned IDA. The plan is for mixed-use development in two phases. The developer has already purchased the two homes that are the last homes on each side of the street going down the hill and is currently renovating one for office use and the other for light commercial. Twenty-six (26) townhome duplex units will be constructed. Two new buildings will be constructed, consisting of retail on the first floor, office use on the second floor, and efficiency apartments on the third level. A restaurant is proposed on a separate site and a promenade around the water and public park will be constructed. The existing pier will be reconstructed for transient boats and canoeing and kayaking will be encouraged, with a floating dock. Open space will be provided, with restroom facilities and a bandstand, for public events. The plan will be presented to the Critical Area Commission (CAC) on November 5<sup>th</sup> for all different aspects of growth allocation and approval of the public park. The Town Council has just passed a Buffer Exemption Ordinance to allow construction in the Buffer and Ms. Miller said the CAC has been very involved in the design of this project.

The only question was asked by Mr. St. Clair; i.e., whether the piers will be used for public landings for events, etc. Ms. Miller replied affirmatively. Mr. St. Clair commented that this is a beautiful project.

The Chair opened the hearing to public comment.

Dr. Herbert Winnick, a contiguous property owner, said he was very cautious when he first heard of the project, but has watched the developer renovate the house that was in great disrepair and has been extremely impressed with the care, concern and the people hired to do the development. Dr. Winnick said the house is a very interesting, early 20<sup>th</sup> Century architecture and it is an enhancement to the entire community. He said he is confident that the developer will do the same with the townhouses and strongly supports the Town and the development.

Ms. Veith entered into the record a letter addressed to both the Planning Commission and the Board of County Commissioners from John and Jean Moulds, adjacent land owners, in support of the project.

There were no further comments and the Chair closed the public hearing.

**Mr. Greenwell moved that the Commission forward a recommendation to the Board of County Commissioners for approval of 3.136 acres of growth allocation, as requested. The motion was seconded by Mr. St. Clair and passed by 7-0.**

## **DISCUSSION ITEMS**

### **Sub-Plan Series – Critical Area Program**

Present: Sue Veith, LUGM Environmental Planner

Ms. Veith provided a summary of the September 26, 2003 changes to the County's Critical Area Program – the first significant revision since its adoption in 1990. A complete list of the revisions is available in the Department of Land Use & Growth Management. The following changes were highlighted by Ms. Veith:

#### **24.4 – Variances**

Previously, County zoning ordinance standards as well as critical area standards had to be met for a variance from critical area regulations. Now only critical area standards apply.

#### **41.7 – Buffer Management Overlay Designation**

For certain communities meeting specific criteria, development in the Buffer may be approved at the permit level without going through the variance process, as long as they meet the standards.

#### **41.8 – Water Dependent Facilities Designation**

Staff may now recommend approval through the normal review process rather than through a separate hearing.

#### **41.9 – Growth Allocation Process**

These requests may be general now, rather than project specific. Submissions may be made at any time during the year and will come to the Commission through the normal TEC review process.

#### **50.4 – Use Classifications**

This table now identifies which uses are allowed in each overlay zone – RCA, LDA, or IDA.

#### **Chapter 71 – Resource Protection Standards**

These regulations have been consolidated to provide more uniformity across the County for how we protect our resources.

71.9 – Standards for Shoreline Resources has been added to clarify how and what can be done along the shoreline.

72.5 – Mitigation Banking

Just recently approved by the Critical Area Commission as a means to “bank” forests for future

Developments where mitigation cannot be achieved.

Ms. King asked how the 152.204 acres of growth allocation awarded by the County over the last 12 years compares to other jurisdictions? Ms. Veith replied that the use of growth allocation is relatively slow in rural areas and relatively fast in urban areas, and there has been some discussion by some of the jurisdictions that aren’t using their allocation regarding giving, selling, or trading their growth allocation to urban areas which are almost out. Mr. Raley asked if there has been any increase in growth allocation acreage? Ms. Veith responded she has noticed an increase in the number of projects in the last 5 years, but not an increase in acreage, and most of the projects have been very small.

**Capital Improvements Program**

Present: Elaine Kramer, Director of Finance

Ms. Kramer gave an overview of the CIP process for FY 2005-2010, providing a handout and calendar for the exchange of information between staff, the County Commissioners, and the Planning Commission. She said the Commissioners realized a few years ago that there is a stronger connection between the Capital and Operating Budgets than there was before the year 2000. In addition, she offered a comparison and recap of the Recommended and Approved Capital Budget for FY 2004.

Ms. Kramer said the County Commissioners have stated that any funding from General Obligation Bonds will be limited to whatever amount of principal we would be retiring, and capital projects must be reduced in 2005 by \$2.1 Million, \$5.4M in '06, \$5.2M in '07, \$8.6M in '08, and \$6.9M in '09. The Commissioners have also committed to funding the Board of Education’s Budget, which includes \$2.6M of local funding and further reduces our target for Capital Projects.

FY 2005-2010 CIP dates significant to the Commission are the following:

- October 27, 2003 PC provides feedback/input to CIP Group
- November 7, 2003 CIP Group discusses revisions to meet BOCC & PC parameters
- January 26, 2004 BOCC finalizes CIP for submission to PC

BOCC & CA	February 6, 2004	Package submitted to PC, copy to
PC	February 23, 2004	CIP Group presents Capital Budget & Plan to
CIP	March 8, 2004	PC recommendation to BOCC on Draft
	April 5, 2005	Recommended Budget released
	June 1, 2004	BOCC approves final Budget
PC	August 23, 2004	CIP Group reviews Approved CIP with

Following Ms. Kramer's presentation, Mr. Raley stated that, in last year's Capital Budget, he had noted that the Margaret Brent School addition would be short in seating capacity by the time the renovation was completed. Mr. Raley said it is more expensive to add onto schools after they are completed, and said it seems to him it would be more efficient to complete one school project successfully instead of starting two. Ms. Kramer replied that the CIP Group spends a great deal of time making sure they have the most reasonable assumptions and estimates of costs, but when those assumptions change, when a project is deferred because of funding or other programmatic implications, or when there is change in the construction environment, the costs change. Mr. Raley said he doesn't disagree, but he thinks it would be more prudent to look at what could be cut in another project so we could finish the one, rather than starting two and not being able to complete them. He asked whether we don't have the right to redistribute funds in that situation?

Ms. Kramer said we are constantly restructuring our program, but the Board of Education might not choose to use Margaret Brent as the only middle school option to fulfill that seating shortage. Kim Howe, of St. Mary's County Public Schools, said the County is continuing to grow and their enrollments are continuing to increase. However, she said the project scope for Margaret Brent has not changed since it was originally received planning approval from the State. She said the project has been around for a very long time and for several years funds were not available but, since it started it has not stopped – the project is ongoing and will be completed, and they will be looking at construction at all levels to meet seating capacity in the future.

**ADJOURNMENT**

The meeting was adjourned at 7:50 p.m.

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Peggy Childs  
Recording Secretary

Approved in open

session: October 27, 2003

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John F. Taylor, Sr.  
Chairperson