

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION  
MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, December 8, 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; Yvonne Chaillet, Planner III; Bob Bowles, Planning Specialist; and Peggy Childs, Recording Secretary. Assistant County Attorney Heidi Dudderar was also present.

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

**APPROVAL OF MINUTES**

The minutes of November 10<sup>th</sup> and November 24, 2003 were approved as recorded.

**PUBLIC HEARING**

**ZPUD #03-145-001 – GREENVIEW WEST PUD AMENDMENT**

Requesting: 1) A major amendment to the PUD to convert approximately 15.86 acres of the Commercial component to Residential; and 2) A change in the Residential density from 3.5 units per acre to 3.7 units per acre. The property contains approximately 15.86 acres, and is located on the west side of Chancellors Run Road, approximately 2,500 feet south of its intersection with MD Route 235; Tax Map 43, Block 07, Parcel 30.

Present: Dr. Douglas Halgren, Owner  
Jerry Nokleby of Nokleby Engineering, Inc., Agent

Legal Ad published in The Enterprise on 11/19/03 & 11/26/03  
Certified Mail Receipts of notification to contiguous property owners is on file in LUGM

The original 1982 PUD was approximately 70 acres in size. A commercial area and an office park were proposed on this portion of the property, in front of the residential areas. The commercial areas have been reconfigured twice and were bought at auction in 2001 by Dr. Halgren, who now proposes a change from Commercial to Residential and an increase in density from 3.5 to 3.7 units per acre, or from 41 units to 57 units. The proposal was reviewed by the TEC at a March 13, 2003 pre-application conference. The Planning Commission conducted a pre-application review of the proposal on April 14, 2003. Staff supports the proposal, finding that the proposed development is in accordance with the Comprehensive Plan and is compatible with the existing residential development and the underlying RL zoning, and that traffic generated

by the residential use will be approximately 75% less than with the commercial/office designation.

Mr. Nokleby stated that this is basically the same plan presented in the pre-application conference. There are three tracts of land zoned commercial, separated by two County roads – Greenview Parkway and Longfields Boulevard. The southernmost tract consists of 3.20 acres and will remain commercial, not being part of this proposal. Mr. Nokleby offered a landscaping plan and rendering of the medical and professional building proposed for the commercial portion, stating that the same detail will be carried over into the residential portion. He said they feel that the original PUD provided for too much commercial development, and Chancellors Run Road has not evolved into a commercial corridor. The State Highway Administration has not improved the road as quickly as they originally projected, and they feel that a large commercial development would adversely affect the road. In addition, there is a shortage of residential lots in the County and they feel that the proposed layout will fit better with the existing Greenview West development.

Mr. Nokleby said they are proposing townhouse units next to existing townhouse units and single-family lots next to the existing single-family lots in the center tract of land. They have set-aside a 30-75 foot wide strip of land for the widening of Chancellors Run Road, and an additional half-acre has been set aside for stormwater management. A 20-foot buffer with intense landscaping is proposed and has been recommended by staff. Proposed building restriction lines (BRL) for the single-family are 25-foot front BRL and 10-foot side BRL. The two lots next to the pond will have one joint access. Each townhouse lot will have a garage and one off-street parking stall, with overflow parking in a central location. Several architectural styles were provided, showing the type of units that are proposed, with sales in the neighborhood of \$250,000 - \$275,000 for single-family and \$145,000 - \$170,000 for the townhouses.

Mr. Shire said PUDs require a 50-foot buffer and staff would be inclined to accept 25 feet but, whatever the buffer turns out to be staff requests it be exclusive of lot areas. Mr. Nokleby asked that the Commission not go along with that recommendation, as, because of the length and width of the property they are having a hard time getting the lots they to make the project profitable.

The Chair allowed public comment. John Deeds, of Longfields Village, stated he received no notice of the meeting and the signs were posted on Longfields Boulevard up by the rental units. He said most of the residents don't use Longfields Boulevard because it can take them 10 minutes and more to turn left across traffic onto Chancellors Run Road. Mr. Deeds said that is already a dangerous intersection and asked if there is any relief proposed by the applicant? Mr. Shire responded that this is just a concept layout for the proposed amendments and those kinds of issues will be considered during TEC review and the applicant will have to meet the test for adequate public facilities. Mr. Nokleby stated that notices were sent to the proper owners across the street and two signs advertising the hearing were posted. He said he realizes that there are

problems with Chancellors Run Road but this proposal will cut the traffic by 25% of what would be allowed under the current commercial zoning.

At this point the Chair closed the public comment portion of the meeting. Mr. Shire noted that the plan will be back before the Commission as a site plan.

**Mr. Greenwell moved that, having found that the amendments are consistent with the intent of PUDs in general and compatible with the surrounding development, the County's Comprehensive Plan and the underlying RL zone, the Commission forward a recommendation to the Board of County Commissioners for approval of the amendments to convert 15.86 acres from commercial to residential use, and to increase the residential density from 3.5 dwelling units per acre to 3.7 units per acre, or 57 dwelling units. The motion was seconded by Mr. Reeves.**

**During discussion, Mr. St. Clair stated that he wants to make sure Mr. Deeds' concerns have been addressed when the site plan comes back before the Commission.**

**The motion passed by a vote of 7-0.**

## **DEVELOPMENT REVIEW**

### **PSUB #01-110-003 – HOOD FARMSTEADS**

Requesting preliminary review and approval of a 7-lot major subdivision. The property

contains 123.48 acres, is zoned RPD with a partial AE Overlay, and is located on the

south side of St. Andrews Church Road, approximately 800 feet west of its intersection

with Benswood Road; Tax Map 41, Block 12, Parcel 115.

Owners: Raymond & Jeanne Hood

Present: Jerry Nokleby of Nokleby Surveying, Inc., Agent

On June 9, 2003, after much discussion and input from adjacent property owners, the Planning Commission denied a request for exception from the County's road requirements under ZO #90-11 by a vote of 3-3. Since then the applicant has relocated the road and revised the development plan in accordance with Zoning Ordinance #Z-02-1 and Subdivision Ordinance #02-02, which allows an unlimited number of farmstead lots on a private road. The access is now approximately 800 feet east of the earlier proposed road, toward the center of the site, and will not impact the adjacent property. In addition, the road is located over an existing roadbed which will need some upgrading, but will require only minimal clearing and disturbance.

Staff has made findings in favor of the project pursuant to Section 30.5.5 of the Ordinance; i.e., Criteria for Approval of a Preliminary Plan, including adequate facilities as noted in the Director's Report, and has provided a motion, should the Commission find it approvable.

Mr. Nokleby said this proposal is for 7 farmstead lots, all over 15 acres in size with an average lot size of 17.6 acres. All have been perc'd and approved by the Health Department, with individual well and septic. Access to all 7 farmsteads will be via the new 40-foot right-of-way over an existing gravel road and known as Hood Lane. A homeowners association will be set up to maintain the road. The applicant will deed a strip of land 75-feet from the centerline of the road to the State Highway Administration in lieu of providing entrance improvements or accel/decel lanes. Mr. Nokleby provided pictures of the entrance previously proposed, which has been closed and seeded over to discourage anyone from using it. The entrance will provide a utility easement for Lot 1.

Mr. Nokleby said once the subdivision plat is recorded and the homeowners association set up, they will not discourage the properties behind the farmsteads from using the road. Currently, only one lot has been developed, but the Ordinance allows unlimited farmsteads on a private road. The 40-foot utility easement to serve Lot 1 will be on their record plat, which will also contain a note that stormwater management must be addressed on an individual lot basis.

**Mr. Reeves moved that, having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (Criteria for Approval of a Preliminary Plan), including adequate public facilities as described in the Director's Report, the preliminary plan be approved, subject to the condition that drainage, erosion control, and construction proposed comply with accepted engineering and construction practices, and that compliance will be assured through review and approval from the appropriate TEC agencies. The motion was seconded by Mr. St. Clair and passed by 7-0.**

**ZPUD #03-240-001 – WESTBURY PUD, Phase II**

Requesting a minor amendment to the PUD development plan to allow single-family attached units. The property contains 65 acres, is zoned PUDR 4.5, and is located at the end of Westbury Boulevard, approximately 1,100 feet northwest of its intersection with Pegg Road; Tax Map 51, Block 2, Parcel 620.

Owner: Artery-Westbury, LLC

Present: Jon R. Grimm, of Loiederman Soltesz Associates, Inc.  
Paul Mowic, of The Artery Group

In 1995, a minor amendment allowing single-family dwellings only was approved for this development. Applicant now requests an amendment to allow a mix of housing types – single family detached and some townhouse units. Because the proposed amendment does not meet the criteria of a major amendment as defined in Section 44.4.4 of the Zoning Ordinance, it is defined as a minor amendment and may be approved by the Planning Commission without

a public hearing. If approved by the Commission tonight, the plans will be reviewed through the TEC process and be presented to the Planning Commission for preliminary and final approvals.

Mr. Grimm said they are requesting three things – the minor amendment, approval of dimensional standards for the townhouse portion of the project, and approval of the revised community land use layout. This section of the development will be served by public water and sewer, as are the previous sections. The project is grandfathered under ZO #90-11 and the 1993 Forest Conservation requirements. The townhomes will be garage units with 2 on-lot parking spaces with minimum setbacks of 20 feet front yard and 10 feet side and rear yard setbacks. The pedestrian trail system established by prior sections on this side of the road will be continued. The trails will link back to the community center and pool across Pegg Road. A tot lot or playground will be provided. All the roads will be public streets and Mr. Grimm said they are undertaking the re-establishment of the wetlands edge with the Army Corps of Engineers.

Mr. Grimm said the project will come forward in several phases, and at this time they are looking at three phases over the next 5 years for the entire buildout.

**Mr. St. Clair moved that, having made a finding that the requested housing mix is in keeping with the original development plan, the minor amendment to allow mixed housing types of approximately 100 townhouse units along with single-family detached units, the establishment of dimensional standards, and the revised community layout be approved as detailed in applicant's letter dated November 24, 2003. The motion was seconded by Mr. Greenwell and passed by 7-0.**

## **DISCUSSION ITEMS**

### **FY 2005 BUDGET**

Other than a question regarding funding for possible travel in connection with the Commission's review of the County's Transportation Plan, the members had no comments or requests.

### **ZO TEXT AMENDMENT – Adequate Public Facilities Determination at Preliminary Plan**

The members had no questions or concerns. Staff will draft an amendment for public hearing.

### **ZO TEXT AMENDMENT – 10 Lots on a Private Road**

The members expressed concerns regarding safety issues, the cost impact of upgrading roads to the homeowner and on the County's housing needs, and their desire that individuals not have to go to the Board of Appeals for a variance from the public road requirement, especially when a new lot is for a family member. Mr. Taylor said he would prefer that the authority to approve

exceptions for family members on a case-by-case basis be returned to the Planning Commission.

The Commission heard comments from Fred Wood and Tonia Holt, both of whom stated that other lots have been approved by the County on their roads – private roads owned and maintained by them or their families, and these additional lots are prohibiting them from getting their own lots approved.

Mr. Canavan will research these issues and craft an amendment to take to public hearing.

**ADJOURNMENT**

The meeting was adjourned at 8:05 p.m.

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Peggy Childs  
Recording Secretary

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Approved in open  
session: January 12, 2004

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John F. Taylor, Sr.  
Chairperson