

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

Members present were John Taylor, Chairman; Larry Greenwell, Vice Chair; Lawrence Chase; Julia King; Steve Reeves; Joseph St. Clair; and Howard Thompson. Department of Land Use & Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Sue Veith, Environmental Planner IV; Trish Guy, Planner II; Bob Bowles, Plans Reviewer I; Mark Kalmus, Planning Technician; and Sharon Sharrer, Recording Secretary. County Attorney John B. Norris, III, and Assistant County Attorney Heidi Dudderar were also present.

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

**PUBLIC HEARING
ST. MARY'S COUNTY WATER AND SEWERAGE PLAN**

CWSP #04-120-006 – FOREST RIDGE SUBDIVISION CWSP AMENDMENT

The applicant is requesting an amendment to service maps III-1 and III-4 to change the water service category from W-6D (water service in six to ten years, developer financed) to W-3D (water service in three to five years, developer financed). The property contains 130.67 acres, is zoned Residential Mixed Use District (RMX) and Residential Low Density (RL), and is located on the south side of Mount Wolf Road approximately 3,500 feet east of MD Route 5; Tax Map 4, Grid 5, Parcel 10.

Owner: Jane G. Henderson LLC
Agent: Pat Mudd, of Day Tech Engineering

Notice of the public hearing was published in the Enterprise on 11/24/04 and 12/1/04.

Mr. Jackman explained that the applicant is seeking only a water amendment. Sewage disposal will be by individual septic tanks.

Mr. Mudd said that the applicant is proposing a 50-lot subdivision for this property. They plan to construct an onsite water system with well and storage for fire protection.

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

Mr. Reeves moved that having accepted the staff report, dated December 7, 2004, and after conducting a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan in anticipation of public water service being provided to the proposed Forest Ridge Subdivision per case 04-120-006; and having found that the requested amendment complies with the spirit and intent of both the St. Mary's County Comprehensive Plan and the St. Mary's County Comprehensive Water and Sewerage Plan, the Planning Commission recommend that the amendment be forwarded to the Board of County Commissioners for adoption, as proposed. The motion was seconded by Mr. Chase and passed by a 7-0 vote.

**CWSP #04-132-025 – CECIL'S MILL TOWNHOUSE SUBDIVISION CWSP
AMENDMENT**

The applicant is requesting an amendment to service maps IV-50 and IV-51 to change the sewer service category from S-6D (sewer service in six to ten years, developer financed) to S-3D (sewer service in three to five years, developer financed). The property contains 24.61 acres, is zoned Residential Low Density District (RL) and Corridor Mixed Use District (CMX), and is located at the intersection of Great Mills Road and Pleasant Mill Drive; Tax Maps 50 & 51, Grids 18 & 13, Parcels 278, 213, & 36.

Owner: Beck & Beck, LLC
Agent: Dean Wilkinson, of R.A. Barrett Associates, Inc.

Notice of the public hearing was published in the Enterprise on 11/24/04 and 12/1/04.

Mr. Jackman explained that the water category on this property is already W-3D (water service in three to five years, developer financed), so only the sewer category needs to be amended at this time.

Mr. Wilkinson said that there are already existing water and sewer lines at the site.

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

Mr. St. Clair moved that having accepted the staff report, dated December 7, 2004, and after conducting a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan in anticipation of public sewer service being provided to the proposed Cecil's Mill Townhouses per case 03-132-025; and having found that the requested amendment complies with the spirit and intent of both the St. Mary's County Comprehensive Plan and the St. Mary's County Comprehensive Water and Sewerage Plan, the Planning Commission recommend that the amendment be forwarded to the Board of County Commissioners for adoption, as proposed. The motion was seconded by Mr. Thompson and passed by a 7-0 vote.

DEVELOPMENT REVIEW

PSUB #03-120-037 – BIG CHESTNUT SUBDIVISION

The applicant is requesting preliminary review of a 22-lot major subdivision. The property contains 189.096 acres, is zoned Rural Preservation District (RPD), and is located on the south side of Big Chestnut Road ½ mile south of MD Route 234; Tax Map 31, Grid 18, Parcels 70 & 9.

Owner: Estate of Jay Millison; Rachele Millison, Personal representative
Agent: John B, Norris, Jr., of NG&O Engineering, Inc.

Ms. Guy explained that there are a couple of outstanding issues with regard to this subdivision. These issues have been discussed with the developer, and will be incorporated into the final subdivision plan. The covenants and restrictions still need to be reviewed and approved, in terms of format and sufficiency, by the County Attorney's Office and will be recorded as a part of the final document.

Mr. St. Clair expressed concern that the entrance to this subdivision would be on a narrow road with a very sharp curve nearby. Mr. Norris explained that the road is about 18 feet wide, and that the turn is banked. He said that they followed the guidance of the Department of Public Works & Transportation (DPW&T), and that there is good site distance at the proposed entrance to the subdivision. Mr. Taylor suggested that the discussion be tabled until the next meeting, when a representative from DPW&T could be included in the discussion.

The Chair opened the hearing to public comment.

George Mattisick, who lives on Big Chestnut Road, explained that he is very concerned about Big Chestnut Road. He said that Big Chestnut Road is a small country road, with a tar and gravel surface. Farm equipment travels on this road. He also expressed concern with potential problems with water quantity, difficulty in getting a successful perc test due to the soils in the area, school capacity, and the fact that water covers much of the road whenever there is a major rain.

Sarah Guy Mattisick, who has lived on Big Chestnut Road all of her life, said that this proposal would change the entire look of the community. She said that this development would at least double the number of people who live in the area. She also expressed concerns with the roads, and the fact that there are not even any markings or shoulders on the road.

Helena Quade, who also lives on Big Chestnut Road, agreed with the concerns expressed about the road. She said that when a bus goes around the curve on the road, there is no room for any other vehicle. Any other traffic has to go out into the gravel to make room for the bus to go around.

Al Saunders, who owns the land on the curve of Big Chestnut Road, explained that the road is a very rural road with very little traffic. He is concerned about increasing the amount of traffic on the road, as well as with school capacity.

The Chair said that since there appears to be a safety issue involved, he thinks the Planning Commission needs to discuss the issue with DPW&T before making a decision. Other members agreed that they would like to meet with DPW&T before moving further. Mr. Norris suggested that perhaps a forum with DPW&T, as a work session, would be the best way to handle this. Mr. St. Clair asked that the work session be arranged at a time that the public would be able to attend. Ms. Guy said that she would contact Ms. Mattisick with details of the work session.

The Planning Commission tabled the request, pending a work session with DPW&T.

CWSP #04-120-039 – THE CROSSROADS AT RIVERSIDE FARM

The applicant is requesting review of a concept subdivision for 48 lots in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 146.48 acres, is zoned Rural Preservation District, and is located at the end of Greens Crossing Court south of Greens Rest Drive from Flat Iron Road; Tax Map 58, Grid 20, Parcel 98.

Owner: Charles Benjamin Davis Family Trust
Agent: Dean Wilkinson, of R. A. Barrett Associates, Inc.

Ms. King requested an outline of the process to get this proposal to final approval. Ms. Guy explained that the concept subdivision plan has already been reviewed by all TEC agencies. It is required, by the St. Mary's County Comprehensive Water & Sewer Plan, that concept approval be granted before the process can continue for the water category change. Since the applicant is seeking approval for more than 24 lots, a central water system would be a requirement. After the public hearings on the water category change by the Planning Commission and the Board of County Commissioners, the preliminary subdivision plan would be reviewed. The subdivision plan would go back to the Planning Commission for preliminary approval, and then could go to recordation.

Ms. King explained that she has a problem with this proposal because of the TDR issue. Mr. Taylor explained that the developer is following the rules of the St. Mary's County Comprehensive Zoning Ordinance. Ms. King agreed that the developer is following the rules, and said that her disagreement is with the TDR system itself. She said that the fact that the TDRS are not going into the development area is a major concern to her.

Ms. King also stressed that this proposed development is at the headwaters of the St. Mary's River.

Mr. Greenwell and Mr. St. Clair agreed that there is a need to change the TDR process. Mr. Canavan explained that the discussion of TDRS is both a Comprehensive Plan issue and a Zoning issue. He suggested that a separate discussion item be scheduled to discuss the TDR program. He suggested that if the discussion does not need to take place at a public hearing because no change is being proposed as part of that discussion, but that the public should be invited to participate. Mr. Taylor asked that this item be placed on the agenda for next year. Ms. King asked that it be scheduled as soon as possible.

Mr. Chase moved that having accepted the staff report, dated November 23, 2004, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewer Plan amendment to change the water category from NPS (No Planned Service) to RW (Rural Water) and the subdivision plan must return to the Planning Commission for preliminary approval, the Planning Commission grant concept plan approval, as requested. The motion was seconded by Mr. Reeves and passed by a 6-1 vote, with Ms. King opposing.

CCSP #04-132-027 – BRUSTERS REAL ICE CREAM

The applicant is requesting review of a concept site plan in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 0.87 acres, is zoned Town Center Mixed Use (TMX) Airport Environs (AE) Overlay, and is located at 23825 Mervell Dean Road in Hollywood, Maryland; Tax Map 34, Grid 2, Parcel 427.

Owner: Raymond Bednarcik
Agent: Larry Ludwig, of D. H. Steffens, Inc.

Mr. St. Clair moved that having accepted the staff report, dated November 24, 2004, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewer Plan amendment to change the water and categories 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), and the site plan must return to the Planning Commission for concept site plan approval, the Planning Commission grant concept plan approval to proceed with the Comprehensive Water and Sewer amendment, as requested. The motion was seconded by Mr. Greenwell and passed by a 7-0 vote.

CCSP #04-132-010 – OAK CREST CENTER PUD

The applicant is requesting review and approval of six minor amendments to an approved Planned Unit Development (PUD). The property contains 139.542 acres, is zoned PUD-IP (Industrial Park) Airport Environs (AE) Overlay, and is located on the northeast side of Three Notch Road (MD Route 235) approximately 3,100 feet northwest of its intersection with Patuxent Beach Road (MD Route 4); Tax Map 34, Grid 10, Parcel 292.

Owner: Cecils Mill LLC

Agent: Billy Mehaffey, of Mehaffey & Associates
Bill McKissick, of McKissick, Dugan, Wood, and Longmore, LLC

Mr. Bowles explained that the current proposal is actually for less floor area than the original PUD approval allowed. He said that there will be no net loss of open space from the original plans.

Mr. Greenwell asked when the Planning Commission would see a traffic study for this proposal. Mr. Mehaffey explained that a traffic study has been done and submitted to State Highway Administration (SHA) and DPW&T for their primary review; and also to LUGM for their review. He feels that the study is very close to being in approvable form. The study identifies impacts to roads and intersections beyond the PUD. Once those impacts are identified and recorded, a mitigation plan will be worked out. Mr. Greenwell said that he wanted to see the traffic study before the concept plan is approved.

Mr. Greenwell asked if this proposal would return to the Planning Commission as a complete package, or only as separate phases. Mr. Bowles responded that it would return several times, but only for individual phases. Mr. McKissick explained to the Planning Commission that this is an existing PUD, which has been grandfathered. When the PUD was adopted, an Adequate Public Facilities determination was made. He said that the amendment request will actually reduce the overall square footage of the PUD, and that the uses have already been approved.

Ms. King asked if there will be any benefit to the developer with these amendments. Mr. Bowles responded that the phasing plan will help the developer, in giving them more time with their phasing plans. Mr. Taylor requested clarification that the rest of the amendments were requested by staff, not the developer. Mr. Bowles agreed that this was the case.

Mr. St. Clair moved that having accepted the staff report, dated December 6, 2004, and having made a finding that the objectives of Section 44.4.4 of the St. Mary's County Comprehensive Zoning Ordinance have been met, and noting that the referenced project has met all requirements for minor amendments for:

1. Revised layout of development site,
2. Parking standards for building materials sales component to be 4 spaces per 1,000 square foot of floor area,
3. The site plan is processed in accordance with the process as stated on page 2 of the staff report,
4. Road construction will provide for sidewalks, whether urban section or on backside of drainage ditch, and must be separated from vehicle travel lane,
5. Phasing Plan for the sequence of development plan approvals:
 - a. Phase – 1: Completed by June 2006
 - b. Phase – 2: Completed by June 2008
 - c. Phase – 3: Completed by June 2010
 - d. Phase – 4: Completed by June 2012
6. Setbacks of: Front yard 50 ft (Arterial), or 35 (Major Collector or less public or private), Side yard 0 setbacks, and rear yard 0 setbacks,

the Planning Commission grant the minor amendments to the PUD plan, as requested. The motion was seconded by Mr. Chase and passed by a 6-1 vote, with Mr. Greenwell opposing.

DISCUSSION/REVIEW

FINAL BRIEFING FOR THE LEXINGTON PARK DEVELOPMENT PLAN

Jeff Jackman briefly presented staff's responses to the customer comments received at the public hearing and during the open record period. The Planning Commission discussed the issues which had been raised.

Mr. St. Clair said that he feels that the Planning Commission really needs to get information from different segments. He mentioned that Leonardtown has its own zoning, but that they impact the same school systems. He said that all of this information should be a part of final decisions made by the Planning Commission. He asked staff what the school capacity status is now in the Leonardtown, Hollywood, and Wildewood areas. Mr. Canavan responded that there is currently a problem with schools. School sites are needed, both within and outside of the Development District. The school capacity of the Leonardtown school system is at over-capacity. Development is no longer being approved, as developers go through a subdivision process for new subdivision lots as a major subdivision.

When comments concerning Myrtle Point Park were addressed, Mr. Taylor responded that removing the park from the Development District would prevent the possible addition of a comfort station at a later date. Mr. Jackman said the removing the park from the Development District would not jeopardize continued park use and would reinforce resource conservation. The decision of the Planning Commission was to keep Myrtle Point Park in the Development District.

Mr. Jackman explained that staff recommends that Mr. Beavan's property, on the west side of Indian Bridge Road, be included in the Development District since it is currently zoned Residential Low Density (RL). Mr. Canavan added that if you are advocating residential development and a use of water and sewer, with the RL zoning already on the property, you would include it in the Development District. If you are saying that you want to create a new land use pattern, take it out of the Development District and show it as a lower intensity of use. Mr. Reeves said that he believes that the mistake was in granting the RL zoning for the property in the first place. A majority of Planning Commission members voted to exclude this property from the Development District. Mr. Canavan asked if the recommendation included downzoning this property to RPD, since it will not be in the Development District. Members agreed that this should be done.

In the discussion of including the potential school site located on Indian Bridge Road in the Development District, Mr. Reeves asked for clarification as to whether this was a community school. Mr. Canavan responded that it would be a community school within the Leonardtown school district. Concerns with transportation issues and having a school in the RPD were expressed. Mr. Canavan explained onsite well and septic could be provided for a school in that location in the RPD, but that one advantage of being in the Development District and having sewer and water available would be a reduction in the amount of impervious surface needed. A majority of the members voted to have this property included in the Development District, but limited to just the acreage for the school.

The Planning Commission discussed the requests to change the zoning along the easterly side of Three Notch Road between Town Creek Drive and Patuxent Beach Road from Residential Mixed Use (RMX) to Community Commercial (CC). Mr. Taylor said that the RMX zoning was originally chosen for these properties because the properties behind this area are residential, and it was decided that a transition zone was needed. Mr. Canavan explained the differences between the zoning categories involved. Mr. St. Clair asked if there had been discussion of allowing a greater variety of retail uses than is currently permitted within the RMX. Mr. Canavan confirmed that this has been discussed, but that it would be a separate process. A majority of members voted to leave the current RMX zoning for the properties on the easterly side of Three Notch Road.

Staff suggested specific densities for Office Business Park (OBP) and mixed use areas. Suggested densities were up to 20 dwellings per acre for downtown (DMX) and OBP areas, up to 15 dwellings per acre for corridors (CMX), and up to 5 dwellings per acre in residential and office mixed use areas (RMX). Mr. Taylor questioned why these densities were suggested. Mr. Jackman explained that this would be for long-range concentration of uses. He used the Three Notch

Apartments between San Souci and Exploration, with eight (8) units on ½ acre, as an example of 16 units per acre. The Planning Commission agreed to these specified densities.

Mr. Canavan reminded the Planning Commission members of properties in the southern portion of the Development District, in the Willows Road and MD Route 5 area, which were recommended to be removed from, or included in, the Development District. Mr. Taylor said that it seemed reasonable to remove these properties from the Development District since they are already developed, and this area is RPD within the Development District. Mr. Reeves spoke against adding the Cole property to the Development District, since the property is totally surrounded by the ALPD or a conservation reserve. Access to the property is through an existing easement. Mr. Canavan said that his understanding was that this property was not surrounded by the ALPD, but that if the property is actually surrounded by the ALPD, he would recommend that it not be included in the Development District. Commission members agreed that this property would not be included in the Development District.

Mr. Greenwell expressed several concerns with, and corrections to, the October 4, 2004 draft of the Lexington Park Development District Master Plan. He suggested that FDR Blvd. be re-aligned with Wildewood Blvd. at St. Andrews Church Road. He explained that both Bay District Company 3 and 9 are located within the Development District, but only Bay District Company 9 is mentioned in the plan. He expressed concern with the expansion of the Development District to the west, especially the Beavan and Salem properties along Indian Bridge Road. Mr. Greenwell explained that he is not in favor of the Phasing Plan mentioned in the Chapter 3, Background for the Plan. The Planning Commission agreed to delete any reference to the Phasing Plan.

Members discussed the merits of including the expansion for Wildewood in the Development District. Mr. Reeves expressed his concerns with the process. Mr. Canavan explained that the process, relevant to the Wildewood PUD opportunity, would begin with the property being designated as part of the Development District. The property would then be rezoned to a base zone of RL. The developer would then need to apply to have the property rezoned to a PUD. At that time, Adequate Public Facilities would be addressed. Ms. King said that she does realize that school sites are needed, but she did not think that this property should be included in the Development District. A majority of the Planning Commission members voted to include this property in the Development District.

The Planning Commission authorized staff to make editorial and grammatical changes, such as correcting misspellings and omitted words, which would not change the substance of the text. Staff also suggested that the land use category Crossroads Commercial not be added to the Plan at this time. Paragraph 2.2.2.B will be deleted from the plan. The Planning Commission concurred with this recommendation.

Mr. Canavan reminded Commission members that an earlier discussion had taken place regarding the inclusion in, or exclusion from, the Development District for the Tifford property, located on the easterly side of MD Route 235 between the Development District and Hollywood Town Center. He explained that the property is currently zoned RPD. A conditional use application on an adjoining property for an office has already been approved. Development is going to take place, which will change the character of the area. Mr. Canavan explained that he feels that RPD zoning is no longer appropriate in that area. A majority of Commission members voted to include this property in the Development District.

Mr. Canavan said that the remaining issue was the inclusion, or exclusion, of the Naval base in the Development District. Mr. Taylor said that he recalled that all of the Commission members had agreed to include the base in the Development District. Other members agreed that this was the case.

Mr. Jackman said that the staff recommendation that the Woods of Myrtle Point be given the same treatment on either side of Patuxent Blvd. Mr. Canavan said that this is a minor map change

which would recognize the grandfathered plans. Planning Commission members asked if there was any impact. Mr. Canavan explained that this would not change anything; it is simply for clarification purposes.

The Planning Commission made the decision that the Lexington Park Development District Master Plan will be forwarded to the Board of County Commissions with their recommendation for adoption. Staff is to prepare the Plan for transmittal to the Board of County Commissioners, including the following recommendations from the Planning Commission:

1. Myrtle Point Park, and the surrounding area, will remain in the Development District.
2. The Willows Road/MD Route 5 area, including Parcel 94, will not be included in the Development District.
3. The Wildewood expansion will be included in the Development District.
4. The Beavan Property will not be included in the Development District and the Planning Commission recommends that the zoning on this property be changed to RPD, to match the surrounding area.
5. The Indian Bridge Road school site will be included in the Development District.
6. The Easterly side of MD Route 235 will remain RMX, as it is currently zoned.
7. Dr. Tifford's property will be included in Development District.
8. Patuxent River NAS will be included in the Development District.
9. Any reference to a phasing plan will be deleted.
10. Figure 2-2 Concept plan designation will be modified to recognize grandfathered phase for Woods at Myrtle Point on both sides of Patuxent Blvd.
11. The residential density ranges for OBP and mixed use areas will be specified as follows:
 - a. Up to 20 dwellings per acre for downtown DMX) and OBP properties,
 - b. Up to 15 dwellings per acre for corridors (CMX), and
 - c. Up to 5 dwellings per acre in residential and office mixed use areas (RMX).

The Planning Commission authorized the Chairman to review and sign a resolution to adopt the Lexington Park Development District Master Plan as discussed at the Planning Commission meeting on December 13, 2004.

FY 2006 BUDGET

The FY 2006 Budget was not discussed at this meeting.

ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session: January 10,
2005

Larry Greenwell
Vice Chair