

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, September 22, 2014**

Members present were Howard Thompson, Chairman; Shelby Guazzo, Patricia Robrecht, Susan McNeill, Merl Evans, Martin Siebert, and Hal Willard. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Director; Bill Hunt, Deputy Director; Bob Bowles, Planner IV; Hannah Pinkerton, Planner II; Jeff Jackman, Senior Planner; and Jada Stuckert, Recording Secretary. County Attorney George Sparling was also present.

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

APPROVAL OF THE MINUTES – The minutes of September 8, 2014 were approved as presented.

PUBLIC HEARING - DEVELOPMENT REVIEW

CCSP #14-132-009 – Wanamaker Auto Dealership

Ms. Hannah Pinkerton, Mr. Phil Shire, Mr. Bob Bowles, and Mr. Dan Kelsh were sworn for the record. The applicant is requesting review and approval of a 22,960 square foot auto sales and service business. The property contains 6.89 acres; is zoned CMX, CC, and RH; and is located on the southbound side of MD Route 235, approximately one quarter mile northwest of the intersection of Route 235 and Chancellor's Run Road; Tax Map 43, Grid 01, Parcel 127 and 479.

Owner: Wanamaker Properties
Presenters: Dan Kelsh, Collinson, Oliff & Associates, Inc.

Notice of public hearing was advertised in The Enterprise on September 3, 2014 and September 10, 2014. Ms. Pinkerton gave an overview of the staff report dated September 12, 2014, the applicable regulations and the outstanding issues. Ms. Pinkerton submitted the staff report and attachments for the record, *hereby labeled as Exhibit 1 by the Recording Secretary*.

Ms. Guazzo referenced the site plan page 2 and questioned the zoning on different parcels of land. Specifically, what is the zoning for Patuxent Hotel Land map 43 page 127. Ms. Pinkerton indicated this parcel is zoned CMX. Ms. Guazzo asked where the commercial corridor lot 479 fronts on. Ms. Pinkerton indicated she was unsure. Ms. Guazzo indicated both sides of parcel 479 are bounded by Hickory Hills property which is Residential. Ms. Guazzo indicated each lot on the site plan should include its zoning. Ms. Guazzo indicated there is a small portion of land that is hatched out as Residential High Density and asked for the size of that parcel and the name of the owner. Ms. Guazzo indicated there is no mention of a 20 foot water/sewer easement in the right-of-way. Ms. Pinkerton stated this is a METCOM easement. Ms. Guazzo asked for the background on the property; did Hickory Hills sell this to Wanamaker Properties? Ms. Guazzo asked why the building restriction line goes through a stream bed. Ms. Guazzo indicated parcel 479 must have had some outlet to a public road and it is not mentioned on the site plan. Ms. Guazzo asked for the history of the 50 foot right-of-way. Ms. Guazzo asked about the ownership, zoning and access for lots 500-1, 500-2 and Hickory Hills North East Lot 1-2. Mr. Shire indicated Hickory Hills is a Planned Unit Development (PUD) and in 2010 the owner asked to remove a portion of the PUD however it was not followed through on the zoning maps. This was a direct decision by the County Commissioners. Ms. Guazzo asked if this parcel is still part of the PUD.

Mr. Dan Kelsh submitted a colored map showing the zoning on all the parcels in question, *hereby labeled as Exhibit 2 by the Recording Secretary*, indicating parcel 479 is under contract for purchase. Mr. Kelsh indicated the corner on right hand side zoned RH is not being developed. Mr. Kelsh indicated a piece of this is being negotiated with METCOM so they can expand their water tower. Ms. McNeill asked who Wanamaker is purchasing this property from. Mr. Kelsh indicated the property is being purchased from Patuxent Hotel. Mr. Kelsh submitted a plat dated 8/25/14 for the record, *hereby labeled as Exhibit 3 by the Recording Secretary*. Mr. Kelsh indicated the crosshatch is the property METCOM would like to purchase and the other portions are being purchased by Wanamaker.

Ms. Guazzo indicated she's concerned that METCOM is giving up its right of way. Mr. Kelsh stated there are actually 3 crossings on the plan; one is for METCOM's use, one is for a potential water/sewer and the third is an old right-of-way for parcel 479. Mr. Kelsh explained that part of the request is to re-locate the unused right-of-way that was reserved for a potential water/sewer line.

Dan Ichneowski was sworn for the record. Ichneowski indicated that METCOM will not be given up the right-of-way, it is not an existing line now, and it is just an easement for water/sewer lines that happen to bisect the property. Mr. Kelsh stated this easement is no longer of use to METCOM which is why it is being transferred to us. Mr. Ichneowski agreed stating there have been concept plans been drawn up which show that this easement would have to be relocated.

Mr. Siebert asked if this will remain the hiker/biker trail. Mr. Shire stated yes. Siebert asked if there are any other applicants that have had gotten permission to cross a right-of-way. Mr. Ichneowski indicated the County owns the right-of-way, SMECO has an easement, Washington Gas and there are a couple crossings that have been approved. Mr. Siebert asked if right-of-ways can simply be abandoned. Mr. Sparling stated yes however it is referred to as extinguishing a right of way where a legal instrument allows the right of way to be extinguished to another person or property. Mr. Sparling indicated these questions can't be answered until there has been a full title research done.

Mr. Kelsh stated he recognizes this is a confusing situation, the one on the right is METCOM's for access, the next is for water/sewer connection, and the left one is the one granted so the front parcel could access the rear parcel. Mr. Kelsh stated when METCOM recorded parcels in 1996 this easement wasn't shown. Chairman Thompson stated we need to have the complete history of the property and surrounding properties and asked Mr. Sparling to research this information.

Ms. Guazzo indicated the buffer(s) are not clear on the plans and asked that this be clearly indicated on the plans. Ms. McNeill asked about the lighting plans. Mr. Kelsh indicated the closest point to residential will be an 80 foot buffer yard, lighting would be directed just towards the residential property as needed for security however we would assure no light trespassing would take place.

Ms. McNeill made a motion to continue this case to the October 27, 2014 meeting and Mr. Siebert seconded. The motion passed by a 7-0 vote.

DISCUSSION

Countywide Options for Wastewater Treatment

ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: October 27, 2014

Howard Thompson
Chairman