

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, January 14, 2008**

Members present were Steven Reeves, Chairman; Howard Thompson, Shelby Guazzo, Brandon Hayden, Lawrence Chase, Susan McNeill and Merl Evans. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Phil Shire, Deputy Director; Bob Bowles, Planner IV and Jada Stuckert, Recording Secretary. County Attorney, Christy Chesser was also present.

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

APPROVAL OF THE MINUTES – The minutes of December 10, 2007 were approved as presented.

DEVELOPMENT REVIEW

PSUB #07-120-005 – Pueblo Estates Lot 1

Mr. Bowles gave an overview of the staff report which recommended approval for one (1) lot in a Major Subdivision for 55 and older. Ms. Guazzo asked about item #7 on the plat. Mr. Bowles explained #7 is a CWSP waiver.

Ms. McNeill made a motion in the matter of PSUB #07-120-005, Pueblo Estates, containing 1 lot, having accepted the staff report and having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (Criteria or Approval of a Preliminary Plan), which includes adequate facilities, as described with the attached Director's Report, I move that the preliminary subdivision plan be approved and Mr. Thompson seconded. The motion passed by a 7-0 vote.

PUBLIC HEARINGS

DRARA #07-146-001 – St. Mary's Crossing

Mr. Bowles gave an overview of the staff report which recommended approval to the Board of County Commissioners of a Development Rights and Responsibilities Agreement (DRARA), per Section 29.0 of the Comprehensive Zoning Ordinance, #02-01 and stating item K.1 in the amount of \$5,909.00 was changed to \$2,008.28 per dwelling. Ms. Guazzo stated she is not comfortable mitigating the traffic and asked that the \$5,909.00 remain. Mr. Thompson agreed. Mr. John Groeger of DPW&T stated he believes the \$5,900.00 is a good number.

Mr. John Norris III stated referenced a letter sent to Mr. Groeger from the State Highway Administration regarding contributions. Mr. Norris stated he would submit a copy of this letter for the record. Mr. Norris stated the owners are contributing a five million dollar school site to the Board of Education as well as working on the traffic mitigation. Mr. Evans asked about the letter from Mr. Brad Clements regarding the school site. Ms. Kim Howe stated Mr. Clements wrote the letter to state the Board of Education is still very much interested in the donation of the school site however does not wish to comment on the PUD itself. Ms. Howe explained this site could be used as an Elementary or Middle School site. Ms. Howe stated currently if the Board of Education were to pay for a site they would be paying \$16,000 to \$18,000 per acre. Ms. Howe stated the Board of Education would normally commit 10% to 18% of the funding towards the development of the site. Ms. Howe stated in this case the site development would already be complete.

Ms. Guazzo stated there are other ways to mitigate rather than using the traffic. Ms. Guazzo stated the dedication of a five million dollar school site would be tax deductible which is a benefit to the owners. Ms. Norris stated as of today's new tax laws a tax deduction is no longer possible.

Mr. Mike Nalapa gave an overview of the traffic study done in 2006. Mr. Thompson stated the number of trips from Bellwood Lane were not calculated into this study and should have been. Mr. Dan Ichneowski submitted a traffic impact mitigation which justified a cost of as little as \$1,000.00 per dwelling in traffic mitigation. Mr. Ichneowski stated the school mitigation is done and included in the cost. Mr. Ichneowski stated the State Highway plans to fund this project at 80% which would further decrease the developer's costs.

Mr. Reeves opened the hearing to public comment. Mr. Michael Barnes stated he agrees with the conditions #1-#17 being included in the approval. Mr. Barnes stated negotiations for the purchase of his right-of-way have not been successful.

Mr. Andy O'Yea stated he has the same feelings and experiences as Mr. Barnes.

Ms. Mary Ruth Horton stated she agrees that Bellwood Lane should have been included in the traffic study and she disagrees with the numbers submitted in the traffic study. Mr. Reeves asked if the traffic light would be a good addition. Ms. Horton stated the traffic light would be a big improvement.

Mr. Oscar Horton stated he questions the legality of purchasing school seats. Mr. Horton also questioned the 1.2 cars per dwelling in the workforce housing section of the PUD. Mr. Horton stated there will be more cars per dwelling that has been stated.

Ms. Mary Broadhurst asked about the 80+ acres located outside the Lexington Park Development District. Mr. Reeves stated the Board of county Commissioners would be discussing this at their meeting tomorrow and the Planning Commission would follow the direction of the Commissioners. Ms. Broadhurst stated she does not understand why the 80+ acres would be allowed to develop at a higher rate. Mr. Bowles stated the zoning in the 80+ acres would allow the developer to develop the site at 5 dwelling units per acre. Ms. Broadhurst stated she disagrees with the Workforce housing and asked why it was requested to be placed in this particular project. Ms. Broadhurst stated she feels Workforce housing was introduced into this project because it lowers the traffic mitigation fees. Ms. Broadhurst asked why the numbers are being divided by 868 when the 150 Workforce housing units should have been subtracted out of the 868 in the beginning. Ms. Broadhurst asked why all of a sudden four new schools are needed and asked if this was poor planning on behalf of the Board of Education. Ms. Broadhurst stated she is still concerned with the environmental issues of the site and will wait and see how the site is actually handled. Ms. Broadhurst stated she has spoken with Mr. Gregory Welker of the State Highway Administration and there are no plans to improve the road past Route 235.

Mr. Reeves closed the hearing to public comment and called a five minute recess.

Mr. Bowles read into the record the seventeen conditions as follows:

1. The County to enter into a Development Rights and Responsibilities Agreement (DRARA), per Section 29.0 of the Comprehensive Zoning Ordinance #02-01, containing language for the purpose of School mitigation, Traffic Mitigation, phasing, and access points.
2. All Phases of the development must meet the requirements for Adequate Public Facilities, including stormwater management, in effect at the time of site plan or subdivision application, for any given Phase.
3. A signal light at the intersection of Hunt Club Road and MD Route 4, opposite St. Andrews Estates Lane, will be paid for and installed by the applicant, when determined warranted by Land Use and Growth Management prior to the issuance of the 100 Building permit or triggered by the amount of trips generated or warranted by State Highway Administration.

4. Applicant will construct improvements to MD Route 4 at St. Andrews Estate Lane and Hunt Club Road to include accel / decell lanes and a left storage lane, per the TEC comments.
5. Deed and dedication of 75 foot frontage, on MD Route 4, to State Highway Administration for future road widening.
6. Johnson Pond Lane would be made suitable and used as a second access point, prior to the 76 dwelling unit issued by Land Use and Growth Management.
7. The private roadway connecting the eastern part of the property, approximately ½ mile in length, to Old St. Andrews Church Road, must be under contract or owned by the developer, for approval of the PUD and prior to the first dwelling unit approved in Section “B”, of Appendix A, page CP-1, must be improved and accepted by the Department of Public Works and Transportation, to public road standards.
8. Sewer and water infrastructure, to be installed along Hunt Club road and stubbed at MD Route 4.
9. Building elevations and façade shall reflect illustrations found in Appendix A, page AR-7.
10. St. Mary’s Crossing, LLC, its successors and assigns, upon conveyance and assignment to Grantees, shall provide notification and acknowledgement of proximity to the landfill to residents, at the time of purchase or leasing.
11. The developer will pay a traffic mitigation fee in the amount of \$5,909.00, per dwelling unit.
12. From the 250 unit to the build-out of 878 units, 206 Transfer Development Rights will be required at One (1) Transfer Development Right, (TDR’s), for each three (3) units, thereafter., prior to recordation of a subdivision plat or final site plan approval, as agreed to by both parties and set forth in writing, prior to execution of this Development Rights and Responsibilities Agreement (DRARA).
13. Per this Development Rights and Responsibilities Agreement (DRARA), a Phasing Plan shall be established and if no above ground development is identified, within a thirty (30) month period, process must be renewed, although a twelve (12) month extension may be granted by the Board of County Commissioners.
14. A set schedule for the recreation amenities, including a timetable for completion of each, with amount of square foot or acreage and type.
15. At least 150 units of various type, designated as Workforce housing. (*Staff uses the definition of workforce housing as between 45 percent to 110 percent of the median family income, according to HUD’s definition was \$75,700. The range of 45% was \$34,065, 100% was \$75,700 and 110% was \$83,270*).
16. Eighty-seven (87) acres, not within the Development District, to be brought within the Development District or to be excluded from the Planned Unit Development (PUD) plan.
17. Adequate Public Facilities for schools will not be counted with the contribution of the school site

Mr. Reeves asked about the disclosure of the St. Mary’s County Landfill. Ms. Chesser stated she would review the legal requirements of this and bring this information to the next meeting.

Mr. Norris stated #2 contradicts #1. Mr. Canavan recommended rewording #2 to read “not included in the DRARA”. Mr. Norris asked that #3 not be limited to the 100 permits, #4 is as

proposed in the PUD, #9 should be held to the PUD standards of the ordinance, #10 objects, #11 wishes to continue using the \$2008.28 figure, #12 he believes this is grandfathered under the old TDR regulations. Mr. Canavan stated the PUD is not grandfathered under Section 26.13 of the ordinance. Mr. Norris stated #13 is not allowed on a PUD, #16 the entire development already meets the requirements and #17 objects to this condition.

Ms. Guazzo made a motion in the matter of DRARA #07-146-001, St. Mary's Crossing, and PUD #06-145-004, St. Mary's Crossing, to continue the hearing to February 25, 2008 and Ms. McNeill seconded. The motion passed by a 6-1 vote with Mr. Evans opposed.

ANNOUNCEMENTS

ADJOURNMENT

The meeting was adjourned at 10:05 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: January 28, 2008

Stephen T. Reeves
Chairman