

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION
MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, April 25, 2005**

Members present were Larry Greenwell, Chairman; Joseph St. Clair, Vice Chair; Bryan Barthelme; Lawrence Chase; Steve Reeves; and Howard Thompson. Julia King was excused. Department of Land Use and Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Phil Shire, Planner IV; Sue Veith, Environmental Planner; and Sharon Sharrer, Recording Secretary. County Attorney John B. Norris, III, and Deputy County Attorney, Heidi Dudderar, were also present.

The Chair called the meeting to order at 6:33 p.m.

APPROVAL OF MINUTES – The minutes of April 11, 2005 were approved as recorded.

REQUEST FOR EXTENSION OF VESTING PURSUANT TO SECTION 27.4 OF THE ST. MARY'S COUNTY COMPREHENSIVE ZONING ORDINANCE

STSP #97-3106 – EXPEDITION PARK

The applicant is requesting extension of vesting of phasing of a major site plan. The property contains 25.71 acres; is zoned Corridor Mixed Use (CMX) District; and is located on the north side of MD Route 235, at Expedition Park; Tax Map 43, Grid 9, Parcel 57.

Owner: Great Mills V, LLC
Agent: Cindy Greb, for Compass Point, LLC

Mr. Shire explained that this project has been ongoing since the late 1990's, and is now approximately 80-85% built out. The applicant is asking to be able to continue under the design guidelines of the prior Ordinance, to provide consistency for the final building with the overall site design. He asked that a stipulation that all future phases meet the current requirements for stormwater management be added to the motion for approval of the applicant's request.

Ms. Greb explained that only one building pad site remains to be site planned. She explained that they would like to have the right to appeal for relief from the stormwater quality issue to the Department of Public Works & Transportation (DPW&T), and to request that the standards that were in place when the park was approved be allowed to be implemented during the final design stages.

Mr. Thompson moved that having accepted the staff report, dated April 15, 2005; and having made findings pursuant to Section 27.4.2 (a-d) of the St. Mary's Comprehensive Zoning Ordinance (*Criteria for Revision of a Grandfathering Phasing, Staging plan and Schedule*); the Planning Commission approve the revision to extend the plan until May 13, 2007 with the condition that the applicant comply with the requirements of the Department of Public Works & Transportation that pertain to water quality. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

SSUB #97-1637 – PEMBROOKE

The applicant is requesting extension of vesting of phasing of a major subdivision. The property contains 207.9 acres; is zoned Residential, Low-Density (RL); and is located on the east side of Willows Road; Tax Map 51, Grid 17, Parcel 618.

Owner: Pembroke LLC
Agent: John Parlett, of Pembroke LLC

Mr. Parlett explained that he feels that this subdivision meets the criteria described in Section 27.4.1 of the St. Mary's County Comprehensive Zoning Ordinance, and that no extension should be necessary since the phasing plan should be allowed to continue as approved. He explained that he was requesting the extension at the suggestion of staff, to provide a fallback to make certain that he does have at least the extra two years provided by the extension.

Mr. Norris explained that this project was not approved in 1999, as the applicant believed to be the case. The approval was obtained in 2003, and was made retroactive to the 1999 date. He explained that Phases 2 and 3 should have been completed by September 2004 according to the approved phasing plan, and the applicant should now be requesting a revision to the phasing plan so that he may continue with Phases 2 and 3.

Mr. St. Clair moved that having accepted the staff report, dated April 15, 2005; and having made findings pursuant to Section 27.4.2 (a-d) of the St. Mary's Comprehensive Zoning Ordinance (*Criteria for Revision of a Grandfathering Phasing, Staging plan and Schedule*); the Planning Commission approve the revision to extend the plan until May 13, 2007. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

DEVELOPMENT REVIEW

FSUB #95-2434 – GREENBRIER SUBDIVISION, Section 3

The applicant is requesting final review and approval of a 32-lot major subdivision. The property contains 14.63 acres is zoned Residential, Low-Density (RL); and is located on the west side of

Hermanville Road, approximately 1 mile south of its intersection with MD Route 235; Tax Map 51, Grid 18, Parcel 606.

Owner: Millison Development, Inc.
Agent: Don Ocker, of NG&O Engineering, Inc.

Mr. Shire explained that this is the last section in the Greenbrier Subdivision. The entire tract contains almost 243 acres, with a total of 404 lots in the three (3) phases of the Subdivision.

Mr. Barthelme moved that having accepted the staff report, dated April 15, 2005; and having made a finding of adequate facilities, including stormwater management, as noted on the checklist in the file; and noting that this project has met all TEC requirements; the Planning Commission approve the final subdivision plan with the condition that the record plat be recorded within two (2) years of the date of final approval, April 25, 2005. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

CWSP #04-120-045 – ELIZABETH HILLS

The applicant is requesting review and approval of a concept site plan for a 217-lot subdivision in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 101.5 acres; is zoned Residential, Low-Density (RL); and is located at 20976 and 21062 Indian Bridge Road; Tax Map 50, Grid 112, Parcels 36 & 392.

Owner: Rose Allen Fox & Marion C. Tennyson
Agent: John Oliff, of Collinson Oliff & Associates, Inc.

Mr. Shire explained that this property is located within the Development District and the developer is currently working with LUGM and DPW&T to finalize the alignment of Pegg Road extended. He explained that the developer does intend to dedicate the right of way and to construct the road as the major access to the subdivision. Mr. Oliff clarified that the developer will actually be constructing two lanes of a four lane road, with the County subsequently building the remaining lanes at a future date.

The Chair, on behalf of Ms. King, asked the developer about the historic structure located on the property. Mr. Oliff explained that he believed it had already been determined that this structure no longer remained on the property. Mr. Shire explained that LUGM can verify whether this structure has been recorded.

Mr. Reeves moved that having accepted the staff report, dated April 15, 2005; 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 sewer categories from W-6 and S-6 to W-3D and S-3D (water and sewer service in 3 to 5 years, developer financed); and the subdivision plan must return to the Planning Commission for preliminary approval; the Planning Commission approve the concept plan. The motion was seconded by Mr. Thompson and passed by a 6-0 vote.

FSUB #04-120-046 – BEN OAKS SUBDIVISION, Phase II

The applicant is requesting final review and approval of a 35-lot major subdivision. The parent tract of the property contains 342 acres, with acreage in Phase II of 84.816 acres; is located on the north side of MD Route 5, approximately 500 feet west of its intersection with MD Route 235; Tax Map 9, Grid 22, Parcels 56 & 365.

Owner: J. D. Murray
Agent: Randy Barrett, of R. A. Barrett Associates, Inc.

Mr. Shire explained that final approval was being requested for Phases II, III, and IV of the Ben Oaks Subdivision. Since this development is in the Chopticon School District, adequate school capacity is not a problem for the development.

Commission members expressed concern with the number of houses in a development which has only one access point. Mr. Barrett explained that the developer has done everything possible to try to get an alternate entrance into the development. The topography prevents access in many areas, and area property owners do not desire additional access to this subdivision through their properties. Commission member expressed a desire that a right of way be provided for possible future access. Mr. Barrett explained that there would not be a problem providing for that possibility.

Mr. Chase moved that having accepted the staff report, dated April 15, 2005; and having made a finding of adequate facilities, including stormwater management, as noted on the checklist in the file; and noting that this project has met all TEC requirements for final approval; the Planning Commission approve the final subdivision plan with the conditions that the 50 foot right of way adjacent to the recreation area be rough graded to the R-1 road standard to the adjacent Hoagland property and dedicated to the County, and that the record plat be recorded within two (2) years of the date of final approval, April 25, 2005. The motion was seconded by Mr. Barthelme and passed by a 6-0 vote.

FSUB #04-120-047 – BEN OAKS SUBDIVISION, Phase IV

The applicant is requesting final review and approval of a 12-lot major subdivision. The parent tract of the property contains 342

acres, with acreage in Phase IV of 36.033 acres; is located on the north side of MD Route 5, approximately 500 feet west of its intersection with MD Route 235; Tax Map 9, Grid 22, Parcels 56 & 365.

Owner: J. D. Murray
Agent: Randy Barrett, of R. A. Barrett Associates, Inc.

Mr. Chase moved that having accepted the staff report, dated April 15, 2005; and having made a finding of adequate facilities, including stormwater management, as noted on the checklist in the file; and noting that this project has met all TEC requirements for final approval; the Planning Commission approve the final subdivision plan with the condition that the record plat be recorded within two (2) years of the date of final approval, April 25, 2005. The motion was seconded by Mr. Reeves and passed by a 6-0 vote.

FSUB #04-120-048 – BEN OAKS SUBDIVISION, Phase III

The applicant is requesting final review and approval of a 37-lot major subdivision. The parent tract of the property contains 342 acres, with acreage in Phase III of 107.482 acres; is located on the north side of MD Route 5, approximately 500 feet west of its intersection with MD Route 235; Tax Map 9, Grid 22, Parcels 56 & 365.

Owner: J. D. Murray
Agent: Randy Barrett, of R. A. Barrett Associates, Inc.

Mr. Reeves moved that having accepted the staff report, dated April 15, 2005; and having made a finding of adequate facilities, including stormwater management, as noted on the checklist in the file; and noting that this project has met all TEC requirements for final approval; the Planning Commission approve the final subdivision plan with the condition that the record plat be recorded within two (2) years of the date of final approval, April 25, 2005. The motion was seconded by Mr. St. Clair and passed by a 6-0 vote.

CCSP #05-132-006 – MECHANICSVILLE OFFICE BUILDING EXPANSION

The applicant is requesting concept site plan review and approval for an 18,000 square foot office building. The property contains 4.0 acres; is zoned Town Center Mixed Use (TMX) District; and is located on the west side of MD Route 5, approximately 6,800 feet north of the MD Route 5 and MD Route 235 split; Tax Map 9, Grid 14, Parcel 320.

Owner: Garner Morgan

Withdrawn from agenda.

DISCUSSION

TRANSFERABLE DEVELOPMENT RIGHTS (TDR) PROGRAM

Mr. Canavan, Mr. Jackman, and Ms. Veith made a brief presentation of the existing TDR program, including suggestions from various sources for changes to the program. Mr. Canavan stressed the distinction between maintaining viable farmland and preserving open space in the Rural Preservation District (RPD). He explained that the TDR program is one of four programs that the County can take advantage of to help preserve agricultural land including the Rural Legacy Area program, the Maryland Agricultural Land Foundation program, and the Maryland Environmental Trust. Additional information on the TDR program, as well as suggested changes to the program, will be provided to the Planning Commission over the next few weeks.

ADJOURNMENT

The meeting was adjourned at 9:07 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session: May
9, 2005

Larry Greenwell
Chairman