

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION  
MEETING  
BUILDING 2 \* ROOM 135 \* SOUTHERN MARYLAND HIGHER EDUCATION  
CENTER  
44219 AIRPORT ROAD \* CALIFORNIA, MARYLAND  
Monday, December 5, 2005**

Members present were Larry Greenwell, Chairman; Joseph St. Clair, Vice Chair; Julia King; Steve Reeves; and Howard Thompson. Department of Land Use and Growth Management (LUGM) staff present was Denis Canavan, Director; Jeff Jackman, Senior Planner IV; Bob Bowles, Planner II; and Keona Courtney, Recording Secretary. County Attorney, John B. Norris III, was also present.

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

**PUBLIC HEARING**

**PROPOSED TEXT AMENDMENTS TO SECTIONS 1.3.1 OF ST. MARY'S COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN**

Public hearing to hear and receive testimony and comments regarding proposed text amendments to Sections 1.3.1 and 1.3.3 of the St. Mary's County Comprehensive Water and Sewerage Plan to allow sewer service to be extended to lands which adjoin and are accessible by a street through a development district for the exclusive purpose of serving an elementary or secondary school facility.

Mr. Clement's Exhibit 1: Letters (155) from parents in favor of Wildewood Elementary School

Mr. Canavan's Exhibit 1: Letter from Joesph Wood dated December 1, 2005 regarding proposed text amendments

Legal advertisements were published on November 20, 2005 and November 27, 2005.

Mr. Canavan explained that the text amendments are needed in order to help locate public schools within the County. The amendments are also needed for the future Wildewood Elementary School site to be located in the Rural Preservation District (RPD). He explained that the Board of County Commissioners (BOCC) will conduct a meeting on December 6, 2005 regarding the amendments, and that any recommendations received will be presented to the BOCC at the meeting. Mr. Canavan explained that the record will be held open for 10 days before the BOCC makes their final decision on December 20, 2005.

Mr. Jackman explained that, under the current St. Mary's County Comprehensive Plan and Comprehensive Water and Sewerage Plan, water and sewer service can not be extended to schools outside of a development district. He explained that the amendments are needed to serve areas beyond the development district and to serve sites that adjoin a development district.

Ms. King asked why a text amendment is being created, instead of evaluating each case on an individual basis. Mr. Canavan explained that the text amendment is an amendment to the policies of the Comprehensive Water and Sewerage Plan. He explained that the amendments would allow the BOCC to grant approval for water and sewer extensions on a case by case basis. He explained that the text amendments were precisely written for properties adjoining a development district, and accessible through a development district. He stressed that future applications will be dealt with on a case by case basis. Mr. Norris explained that he is not aware of any jurisdiction that would allow a variance to their water and sewer plan. He explained that text amendments are necessary in cases where a zoning variance is not needed. Mr. Norris explained that the text amendments are needed so that map amendments can be made.

The Chair opened the hearing to public comment.

Brad Clements, Chief Administrative Officer for St. Mary's County Public Schools, explained that school sites are difficult to obtain in a development district. He explained that they would like to have a school in a development district, but have not found a site yet. Due to the concerns about the Benjamin Banneker school site, Mr. Clements clarified that the adjoining properties are not using the sewer line that services the school. He explained that seven to nine homes have been built since the school was constructed, and that none of them are using the sewer line.

Linda Vallandingham, a local resident, explained that she and Robert Jarboe do not support schools being located in the RPD. She explained that the Wildewood School site is the only exception because it is a logical place for a school and there are children who could benefit from the school. She explained that developers should be encouraged to build in the Leonardtown or Lexington Park Development Districts. She explained that the development of sewer services will jeopardize RPD lands, namely the Amish and Mennonite lands. Ms. Vallandingham also expressed concern about sewer lines being located in Town Center Districts, as she feels it will change them into development districts. She explained that the proposed text amendments will allow developers to circumvent meeting the adequate public facilities standard, as outlined in the St. Mary's County Comprehensive Zoning Ordinance. She also recommended that the text amendments read that sewer service be extended to lands only which adjoin and are accessible by a street through a development district for the exclusive purpose of serving an elementary or secondary school. She stressed that it is better for a school site to adjoin the RPD than be located in the RPD.

Mr. Canavan read and submitted a letter to the Planning Commission from Mr. Joseph Wood of the St. Mary's County Farm Bureau. He directed their attention to the second paragraph of the letter, where Mr. Wood expressed concern about school construction in the RPD and changing the St. Mary's County Comprehensive Zoning Ordinance. Mr. Canavan explained that schools are a permitted Conditional Use in the Zoning Ordinance, and that the text amendments would be a change in policy and not a change to the Zoning Ordinance. He reiterated that each application will be evaluated on a case by case basis.

Ms. King explained that Ms. Vallandingham's recommendation to the text amendments do not seem severe. Mr. Canavan agreed to accept Ms. Vallandingham's recommendation.

The Chair closed the hearing to public comment.

**Mr. St. Clair made a motion to forward a recommendation to amend the text of the St. Mary's County Comprehensive Water and Sewerage Plan to permit the extension of water and sewer service to lands only which adjoin development districts to the Board of County Commissioners and authorized the Chairman to sign Planning Commission Resolution No. 05-27 on behalf of the Planning Commission. The motion was seconded by Mr. Thompson and passed by a 5-0 vote.**

Mr. Jackman requested that the Planning Commission conduct a public hearing on February 13, 2006 to consider text amendments to Sections IV.3.1.2.A.i.a and IV.3.1.2.A.i.f. of the St. Mary's County Comprehensive Plan ("Quality of Life in St. Mary's County – a strategy for the 21<sup>st</sup> Century") to allow sewer service to be extended to lands which adjoin and are accessible by a street through a development district for the exclusive purpose of serving an elementary school or secondary school facility.

**Mr. Thompson moved that the Planning Commission conduct a public hearing on February 13, 2006 to discuss amendments to the Comprehensive Plan. The motion was seconded by Mr. St. Clair and passed by a 5-0 vote.**

## **DISCUSSION**

### **Transferable Development Rights (TDR's) Provisions**

Mr. Canavan provided a handout to the Planning Commission showing the recommended changes to the TDR program made by the Chamber of Commerce's TDR Task Force. He explained that LUGM is working with the

Chamber of Commerce on these provisions and anticipates a meeting with members of the Task Force this week.

Mr. Canavan explained that TDRs affect the St. Mary's County Comprehensive Zoning Ordinance as well as development standards. He explained that the proposed text amendments are intended to increase the overall density allowed in zones within development districts. He explained that a text amendment has been presented to the Board of County Commissioners to consider residential uses in the Office and Business Park District (OBP). He explained that the density range would be up to 20 units per acre with the use of TDRs in the OBP, 20 units per acre in the Corridor Mixed Use District (CMX) and Village Center Mixed Use District (VMX), and 30 units per acre in the Downtown Core Mixed Use District (DMX). Mr. Canavan explained that workforce housing will be considered in the TDR provisions.

### **Anticipated Text Amendments**

Mr. Canavan explained that LUGM intends to modify anticipated text amendments. He brought the Planning Commission's attention to the handout and development standards tables 32.1 and 32.2. He explained that LUGM intends to modify these tables to make them easier to understand.

### **ADJOURNMENT**

The meeting was adjourned at 7:15 p.m.

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Keona L. Courtney  
Recording Secretary

Approved in open session:  
December 12, 2005

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Larry Greenwell  
Chairman