

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
Thursday, July 13, 2000**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
Judith A. Spalding, Recorder

**CALL TO ORDER**

The meeting was called to order at 6:35 p.m.

**PUBLIC HEARING**

**ZPUD #98-2464 – MILL RUN PLAZA PUD**

Also present: Jon Grimm, Director, DPZ; For the Applicant: Joe Densford, Atty; Ray Mertz, Potomac Management; Gore Bolton, Bolton-Latham; Chris Cowie, Cowie Architects; Carson Bise, Tischler & Associates; Joe Wustmer, Baldus Real Estate.

*Request to change zoning from RTC (Residential Town Center) to PUD-CP (Planned Unit Development-Commercial Park) property containing 67.87 acres located on the northbound side of MD Rte. 5, approximately 4,500 feet north of the MD 5/MD 6 intersection, Tax Map 4, Block 10, Parcel 83.*

The Board of County Commissioners conducted a public hearing to consider the Planning Commission's recommendation regarding Mill Run Plaza.

The hearing was advertised in *The Enterprise* newspaper on June 21 and June 28.

Mr. Grimm advised that the Planning Commission conducted meetings in April and May on the applicant's request to modify the plan for only PUD-CP and to omit the original request for PUD-IP zoning from RTC. The change was made because of the removal of Waste Management's solid waste transfer station. The Planning Commission recommended approval of the change from RTC to PUD-CP by a 6 – 0 vote with the following findings:

- ❖ The industrial portion of the PUD has been removed and the entire development proposal has been changed to PUD-CP.
- ❖ The proposal is for a mixed-use development with office and retail uses.
- ❖ The project contains some "depth" and is not merely "strip development."
- ❖ Either alternative alignment "A" or "B" as shown on the concept development site plan may be considered for a service road.
- ❖ The applicant has committed to work with staff to develop a sign proposal similar to the original submission but reduced in size.
- ❖ The applicant has agreed to change the proposed "colonial" architectural theme for an "eclectic" style more in keeping with the Charlotte Hall Town Center.

In addition, Mr. Grimm noted that the Commissioners, in considering the request, must find that:

- ❖ The proposed development complies with the purpose of the PUD district as set forth in Section 38 of the Zoning Ordinance.
- ❖ The proposed development complies with the standards set forth in Section 38 and will otherwise be compatible with surrounding neighborhood.
- ❖ The proposed vehicular and pedestrian transportation systems are adequate and efficient.
- ❖ Any proposals, including restrictions, covenants, agreements or other documents, which show the ownership and method of assuring perpetual maintenance of those areas which are intended to be used for recreational or other common or quasi-public purpose are adequate and sufficient.
- ❖ Essential community facilities and services for the type of development under consideration, such as schools, recreational areas, police and fire protections shall be reasonably accessible to the development or provisions made to assure such facilities and services will be provided.
- ❖ The Board may make any other findings that may be found necessary and appropriate to the evaluation of the proposed reclassification.

In concluding his presentation Mr. Grimm noted that there is no requirement that Board approve the project, that it is a legislative discretionary act by the Board.

Mr. Densford, Attorney for the Applicant, provided an overview of the project, stating it was a multi-phased project—commercial, office, and warehouse, and reviewed the timetable beginning with the contract of sale in 1998 to the Planning Commission's recommendation in May 2000.

Mr. Mertz provided a description of the project, noting the sites for each of the three components, and stating that the applicant is looking to develop only 31 acres of the 67-acre site. The project will be served by Mill Run Boulevard, which will be designed and constructed to meet County standards.

Mr. Bolton reviewed agency and Planning Commission input and how these issues were addressed by the applicant (including reservation of collector road, FAR reduction from .5 to .35; realignment of parking and buildings; acceleration/de-acceleration and SHA right-of-way dedication; landscaping; pedestrian circulation; limited clearing/forest disturbance).

Mr. Cowie explained that after input from the Department of Planning and Zoning, the architectural style of the project was changed from the Georgia Colonial style to a more eclectic style, reflecting the architectural theme of Charlotte Hall.

Mr. Bise reported that the fiscal impact analysis, which was for the 2000 – 2010 time frame, indicated that the development would be a fiscal benefit to St. Mary's County (faster absorption from 2000 – 2005 and slower absorption from 2000 to 2010).

Mr. Wustner pointed out the need for commercial development in the 4<sup>th</sup> and 5<sup>th</sup> districts because of the rapid growth of that area.

After the referenced presentations, questions and comments raised by the Commissioners included:

- ❖ Traffic signalization (it will be a full signal).
- ❖ Whether the area dedicated for a service road would impact the wetlands (Alt. A would require two crossings; Alt. B would less of an impact).

- ❖ Proposed parking configuration—too much parking in front; requirements in current zoning ordinance versus proposed ULDC. (Creation of berms to hide some of parking area).
- ❖ Inquired as to which aquifer would be used for the public water supply.
- ❖ The proximity of the two entrances to Routes 5 and 6
- ❖ Responsibility of constructing the collector road if needed (the applicant would dedicate the land for the County to build).
- ❖ Permission from SHA to build the right-in/right-out entrance (applicant to provide copy of SHA agreeing to concept).
- ❖ Obligation of the applicant to provide access to the Charlotte Hall Center (Burroughs property)—that there should be a traffic impact study.
- ❖ Maintenance and realignment of existing 50 foot right-of way for Burroughs property is being discussed with Mr. Burroughs and Mr. Mertz.
- ❖ 30-foot buffer requirement for residential versus 50-foot requirement for commercial regarding Chesley property.
- ❖ Health Department concerns regarding sewage disposal (Developer has received satisfactory percolation tests).
- ❖ Regarding the Market Profile Report, the area from the information was gathered (retail anchors within ten-mile radius; ten-mile radius used because Charlotte Hall draws from Charles County; five-mile radius is used for “hard numbers.”)
- ❖ Commissioners requested number of available office space that exists or is planned in a five-mile radius, more information on what is available and what is projected.
- ❖ Assurances that there will be a hotel rather than office space.
- ❖ Definition of auto service building (not to be a gas station or a body shop).
- ❖ Issue of only one access for proposed 67,000 square-foot office building—concerns regarding emergency vehicle access.
- ❖ Location of storm water management ponds (four permanent facilities to handle runoff from site); Commissioners requested copies of DPZ memoranda from Ruth Grover and copies of April 20 and May 5 staff reports.
- ❖ County’s Town Center planning initiative for Charlotte Hall/Mechanicsville area and concerns regarding approval of a major project without full knowledge about the town center concept in general.
- ❖ Designation of Charlotte Hall as an Employment Center, and whether this project complies with this concept.
- ❖ That although the Planning Commission recommended approval, DPZ staff’s recommendation to the Planning Commission was denial based on the fact that the project was not consistent with the goals and objectives of the Comprehensive Plan for the Charlotte Hall Town Center. The Commissioners questioned what changes could be recommended in order for DPZ staff to recommend approval. Mr. Grimm noted his concerns regarding the “Employment Center” and that retail does not work.

The public hearing was opened for questions and comments from the audience:

**Dora Zimmerman (President, Community Preservation Coalition)** – Indicated that the County should have more definitive information as to what is actually going in the project before approving the request; the list of uses was too broad.

**Ken Hastings** – That the traffic plan for this project was not adequate or efficient; that there should be one entrance; service vehicles should be separated from regular traffic; pedestrian traffic should be separated from vehicle access; how could a traffic survey be done correctly without a better understanding of uses for the project; that the project is a PUD that is really not a PUD—planned part of PUD is missing; recommended that the project be reworked.

**Norman Haller** – Expressed concerns about the placement of the stormwater management ponds and wetlands; stated that the warehouse covers Killpeck Creek, a tributary to the Patuxent River.

**Rae Thompson** – That the presentation was similar to the First Colony presentation, and that the Commissioners should proceed carefully.

**Bill Fathenbarger** – Stated he did not believe the proposed architecture was an accurate picture of the Charlotte Hall area, that it was more like Mechanicsville.

**Steve Coerber** – Referred to the creation of 400 jobs for this project and pointed out that the County already has a low unemployment rate.

Hearing no further comments, the public hearing was closed. The record will remain open until the last day of July for written comment, after which it will be placed on the Commissioners' agenda for decision.

#### **EXECUTIVE SESSION**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to meet in Executive Session to discuss matters of Property Acquisition, as provided for in Article 24, Section 4-210(a)11. Motion carried.**

#### **Property Acquisition**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
John B. Norris, III, Assistant County Attorney  
Judith A. Spalding, Recorder

**Authority:** Article 24, Section 4-210(a)11

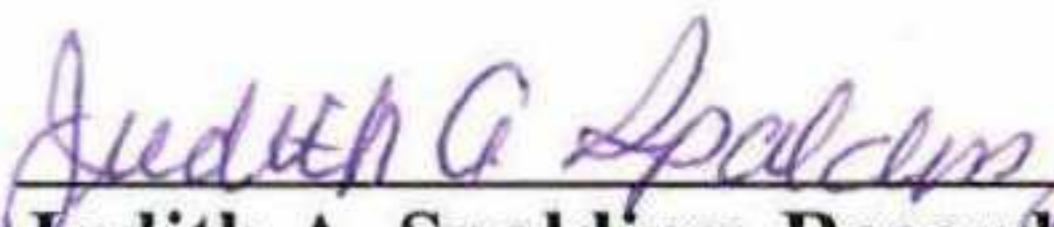
**Time Held:** 9:35 p.m. – 11:45 p.m.

**Action Taken:** The Commissioners discussed a matter of property acquisition and gave direction to staff.

#### **ADJOURNMENT**

The meeting adjourned at 11:45 p.m.

**Minutes Approved by the  
Board of County Commissioners on 7/25/00**

  
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**Judith A. Spalding, Recorder**