

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS'
ZONING ORDINANCE WORK SESSION
Governmental Center
Thursday, August 2, 2001**

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, Administrative Assistant to BOCC (Recorder)

Also Present: Ruth Grover, Deputy Director, DPZ
Jim Raley, Planning Commission Member
Larry Greenwell, Planning Commission Member
William Sturgis, First National Bank of St. Mary's
Herb Redmond, D. H. Steffens
Ed Thomas, Consultant

The work session began at 6:20 p.m.

CHAPTER 27, VESTED RIGHTS AND PHASING PLANS

Financing Phased Plans

- Mr. Sturgis addressed the issue of phasing as it relates to developers getting bonding for projects; that phasing reduces the costs to the developer and ultimately to the lot owner; that costs for bonding an entire project would determine the viability of the project as it would add to the cost and change the tax status; if lots are not sold after two or three years, the bank would question its investment; that changes to the zoning regulations relative to density could change the value of a project and put the collateral at risk. Commissioner Raley requested Mr. Sturgis to check with banks that have branches in other counties to find out how they finance phasing and Mr. James Raley requested the average cost per square foot for construction of phased projects;

Phasing/Developers Responsibilities Agreement

- Mr. Thomas provided a 30-acre plat for discussion purposes describing phasing much like a puzzle done piece by piece; explained how phasing could be done, that the developer would prepare detailed plans portion by portion; and pointed out that he was an advocate of phasing. He indicated that phasing could be done as part of the Developers Responsibilities Agreement.

Areas of discussion included


- that St. Mary's County's current rules are very generous;
- the number of currently approved projects with phasing plans (there are currently 11 projects with phased plans);
- whether the County should continue to allow phasing;
- whether phasing was done in other jurisdictions (which could be called something other than "phasing"); that some jurisdictions do not have phasing plans, but have good housing for their citizens; PUD's can be phased;
- that phasing would mean lower cost building lots, but would not go on tax rolls until they are recorded;
- concerns about enforcement of new stormwater management rules and other new rules in already approved phased projects;
- if the County continues with phasing that the developers give something in return through the Developer's Responsibility Agreement;

- concerns whether the current draft document would negatively impact the County's growth and economy;
- the ten-year phasing period under the current Zoning Ordinance and whether that time period should be reduced;
- the possibility of allowing phasing with stipulations (minimums/maximums; e.g., number of years; number of lots, build-out schedule); Mr. Thomas responded that this would be feasible, doable, and not too onerous, and that it should be limited to development districts;
- that if the concept of a phasing plan with stipulations was accepted, that a statement be included that the plan would be reviewed and evaluated after a certain period of time in case of change of regulations;
- Mr. Redmond pointed out that what is now called "phasing" used to be called "sections"; and stated that a 20 to 30 lot subdivision may not warrant phasing and that there should be some vesting in the project for density;
- concerns about a project that had gotten preliminary approval in 1992 and nothing has happened since; Mr. Thomas suggested a "sunset" if substantial progress has not been done by a specific time frame (by 2005);
- the need for status reports from developers;
- that approved phased subdivision be allowed to keep density but conform to current zoning regulations;
- Where the PUD is silent, provisions in the current Zoning Ordinance control (*this should be included in the redrafted zoning ordinance that will be taken to public hearing*);
- discussion of how to determine at what stage a project would be considered for grandfathering (Mr. Thomas suggested looking at what is in the "pipeline" and looking at ramifications of setting a particular date or particular phasing of the project);
- that individual site plans that do not have approval should have a short time frame in getting approval;
- at what point simplified site plans (5,000 square feet or less) should be allowed grandfathering (perhaps these site plans could be given six months to complete);
- that phasing plans are necessary.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Minutes Approved by the
Board of County Commissioners on 8/21/01



Judith A. Spalding, Administrative Assistant
to the Board of County Commissioners