

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
AND ZONING ORDINANCE WORK SESSION  
Governmental Center  
Thursday, August 30, 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  
John Norris III, Assistant County Attorney  
Jon Grimm, Director, Planning and Zoning  
Kate Mauck, Administrative Assistant (Recorder)

**CALL TO ORDER**

The meeting was called to order at 6:12 p.m.

**COUNTY ADMINISTRATOR**

**Department of Public Works - Airport Improvement Program Master Agreement  
(Federal: \$382,500; State: \$21,250; County: \$21,250)**

**Present:** George Erichsen, Director, Department of Public Works & Transportation

Mr. Erichsen presented the Board of County Commissioners with a request for approval of a grant application to the Federal Aviation Administration for a Master Agreement regarding the Airport Improvement Program. Should the application be approved, Mr. Erichsen also requested that the Commissioners approve and authorize Commissioner President Randall to sign the grant agreement, if it should become necessary. Only three airports out of six will receive approval on the application and agreement.

**Commissioner Anderson moved, seconded by Commissioner Raley, to approve the grant application to the FAA, and should the offer for a grant come in that is not at a time convenient for the Board of County Commissioners to meet, so authorize Commissioner President Randall to sign the FAA's offer. Motion carried.**

**ZONING ORDINANCE WORK SESSION**

A memo and matrix were presented to the Board of County Commissioners by Mr. Norris, which outlined a process for ensuring quality assurance occurs during the revision process of the Zoning Ordinance. The matrix provided a detailed outline of trackable items that would take the process from the original "Commissioner Meeting Date" through to the "Date Approved for Public Hearing Draft".

The goal of the matrix is to have a document reach public hearing that satisfies everyone's concerns. One redlined document will be presented to the Commissioners after the Planning and Zoning staff and the County Attorney's office have carefully reviewed it. The document will not be finalized until after the September 17<sup>th</sup> public comment period has passed. Articles 1 and 44 were reported to be located in incorrect rows.

Mr. Lacer reported that binders would be presented to the Board of County Commissioners that would contain chronological public comments, both oral and written. Supplements to these binders will be provided to the Commissioners on a weekly basis. Public comment for the Draft ULDC will end on September 17<sup>th</sup>. A new public comment period will occur after the Draft Zoning Ordinance is presented once again, in its new

format, at public hearing. Additional work sessions will then be planned as needed, and the document will then be finalized.

It was determined that, should any conflict occur with the Comprehensive Plan, then either the Plan will need to be amended or the regulations must be changed.

#### **Chapter 46 – Planned Unit Development**

Present: Herbert Redmond, Chair, Development Review Forum

Mr. Grimm provided the Board of County Commissioners with a redraft on Chapter 46. He outlined concerns that the PUD process can take up to two years for a sizeable project. The following information was discussed and/or determined:

- The Development Review Forum recommends Section 38.5 of the current Zoning Ordinance, with modifications to it that recognize the new Zoning Districts, the new Densities and Performances in the new Zoning Ordinance, basically, be consolidated and replace Chapter 46 in its entirety;
- Chapter 29, Development Rights and Responsibilities Agreement and Mixed Used Zoning, give landowners and developers significant alternatives to the PUD that would allow mixed used development. This would allow the Commissioners to accept proffers or amenities in exchange for protections in the public interest through Chapter 29, and that taken together, these tools in the Land Development Regulations offers significant security to the public, significant flexibility to the developer and landowner, and options for the community as a whole to have better quality development in a more timely fashion;
- Mr. Redmond indicated the Development Review Forum feels that these provisions would allow for some flexibility;
- Mr. Grimm outlined ways the PUD process could be sped up by allowing simple projects to go through more quickly. More complex projects might take longer;
- Discussed the possibility of saving time by holding a joint public hearing with the Planning Commissioners and the Board of County Commissioners;
- *5G9 – list of development design required – have an independent consultant do this, paid for by the developer;*
- Page 187a – Mr. Grimm outlined reasons why non-residential PUDs can be located in the rural preservation district and why residential PUDs cannot;
- *189a, Article 4 – Required Utilities – G – Community water and/or sewer systems may be waved by the Planning Commission in a planned unit development. If those developments exceed 25 houses, they should be required to have community water and sewer;*
- *Delete “wherever practicable” from the statement “all structures shall be served wherever practicable” – they should be served by underground utility lines;*
- Differences between a mobile home park (usually rented) and a mobile home subdivision (people usually own, more permanent nature) were discussed. *It was suggested that the definitions for each should be included;*
- Mr. Grimm outlined how PUDs in village centers and town centers might be affected by setbacks, etc.;
- *Add provision to document directing that a schedule be developed for Mandated Development Review (phasing schedule) so that each PUD has a schedule to follow in order whereby they will come back to the Planning Commission. Schedule should outline how often, when & what triggers an owner to come in. Mr. Grimm stated that the provision could go at the top of Page 183(a) as an added item #4. This would provide the Planning Commission with guidelines to follow for recommending revocation;*
- *Add a provision that would allow the Planning Commission to send the PUD back for a major amendment process (in addition to possible revocation) somewhere in the middle of a project;*
- *Add a provision for the time it takes to process a PUD. Mr. Grimm was directed to check if this occurred with First Colony as it came along in its new phase and to add this into the document;*
- Commissioners stated that they do not want a maximum to be placed on PUDs;

- *Mr. Grimm to come back with criteria for clear guidelines to follow for revocation of PUDs;*
- *It was reported that there is nothing in the PUDs that allows for transferable development rights;*
- *Mr. Grimm stated that he serves as a member of the Development Review Forum and that he was in full agreement with the recommendations submitted;*
- *It was determined that time would need to be slotted to include discussion on Chapter 82 – Roads;*
- *De-PUDing was discussed in detail. It was determined that this should be brought back for discussion at a later date, and that fractional de-PUDing should be discussed. In addition, notifying adjacent property owners should become a requirement;*
- *Mr. Grimm and the Development Review Forum were directed to report back to the Commissioners, after the Zoning Ordinance process is completed, regarding implementation of the streamlining of PUDs; and*
- *The Development Review Forum was thanked for all their hard work and commitment to assisting in this process.*

### **Density**

Commissioner Anderson reiterated that he does not agree with nor does he support the direction given by the majority of the Board of County Commissioners to go to a one in five density in the rural preservation district. He stated that in his opinion, it will not reverse sprawl nor will it get the County to the 50% reduction in build-out as was designated in the Comprehensive Plan. Commissioner Anderson's proposal for density, implementing a sliding scale leading up to 1 in 15 is still on the table and open for discussion. Recent comments by the Maryland Department of Planning and the unanimous vote of the St. Mary's County Technical Review Committee given this year back the proposal, according to Commissioner Anderson. He provided the following recommendations:

- *Basic assumptions that staff has discussed and agreed upon – 50% of the lots of record should be taken off the top;*
- *Need to assess the number of perpetual easements in the rural preservation district – ALPD's, TDR's, Maryland Environmental Trust, Maryland Historical Trust, Private Land Trust, Rural Legacy, and we also need to include the areas pertaining to the critical areas;*
- *No matter what density is ultimately adopted, the County needs to incorporate some measurement technique to assess the status of the success or failure of that density recommendation; and*
- *Before the decision is made on density, Commissioners must know the economic impact of sprawl in St. Mary's County. At the least, impacts of various density build-out scenarios should be included based on what it will cost the County for schools, roads, parks, etc.*

*Commissioner Randall asked for specific information to be submitted regarding density, similar to a Calvert County Report received. She would provide Mr. Grimm with a copy of that document so that a report can be developed regarding existing density in future years, such as: "X" number of schools would have to be built in the RPD, "X" number of roads must be built, etc. This information should provide an analysis for the County of what density does from an economic standpoint.*

### **Schedule 32.1 – Big Box Restrictions**

Commissioner President Randall outlined the need to balance the fact that commercial business adds to the tax base and that amenities for our citizens is something we should be looking forward to and invested in for the community (in the growth district). Additionally, Commissioner President Randall stated that quality of the development must be promoted. She followed by offering several remarks on how to reach the balance by having standards and by setting 50,000 as a base limit; the way to get more would be to purchase TDRs.

Commissioner Guazzo proposed the following:

- DMX, CMS, CC & Office Business Park – keep 50,000 maximum footprint;
- For the FAR, 1 TDR worth 2,000 square feet;
- If a developer wanted to go from 50,000 to 80,000 square feet, he/she would have to buy one TDR for each 2,000 square foot incremental increase;
- If a developer wanted to go above 80,000 square feet, he/she would then need to purchase two TDRs for each 2,000 square foot incremental increase; and
- There would be no upper limit.

Commissioners agreed that this proposal would need to be accompanied by a good set of design standards. Also discussed was the possibility of a developer not wishing to purchase TDRs, yet possibly pay a significant fee (perhaps 50% more) in lieu of the TDRs. This money might be placed into a kitty for the County to buy PDRs. Additionally, Commissioner Guazzo outlined several methods for increasing density overall. This will be discussed further when the Board of County Commissioners reaches Chapter 6.

Commissioner Raley outlined various examples of how the process might work in real-life scenarios. Commissioner Guazzo outlined further suggestions. After much discussion, the Board of County Commissioners decided the following items regarding Big Box Restrictions:

- *Draft footnote # 8 – look at max setback*
- *Footnote #9 regarding family members is missing*
- *RH – remove the word “retail” and just leave “commercial”*
- *RPD – 5,000*
- *RSC – 10,000*
- *RCL – 10,000*
- *RL – 20,000*
- *RH – 20,000*
- *RMX – 20,000*
- *RNC – 5,000*
- *RPD, RSC, RCL, RL, RH, RNC & RMX can be increased up to 25% through the purchase of TDRs*
- *VMX – 15,000 and can get up to 20,000 maximum by the purchase of TDRs;*
- *TMX – 30,000 and can get up to 45,000 maximum by the purchase of TDRs;*
- *DMX, CMX, CC & Office Business Park – no maximum;*
- *If a developer wants to go from 50,000 to 80,000 square feet, he/she would have to buy one TDR for each 2,000 square foot incremental increase;*
- *If a developer wanted to go above 80,000 square feet, he/she would then need to purchase two TDRs for each 2,000 square foot incremental increase;*
- *One TDR is equal to 2,000 square feet (page 32-4)- reduce amount from 2,500; and*
- *No footprint limitation in I and CM.*

The work session schedule was discussed at length. A member of the Development Review Forum stated that they would be unable to complete Chapters 80 and 81 until next week.

*The Board of County Commissioners determined that the meeting scheduled on Tuesday, September 4<sup>th</sup> would be cancelled, although they would be attending the scheduled groundbreaking ceremony for the Veterans Memorial in the Town of Leonardtown. Staff was directed to submit the appropriate advertisements regarding the cancellation.*

*The following was determined by the Board of County Commissioners:*

- *Article 6, Development Standards would be covered on September 6<sup>th</sup>;*
- *Article 8 and Chapter 29 will be covered on Tuesday, September 11<sup>th</sup>;*

- *Chapters 50, & 51, Agriculture and Chapter 54, Right to Farm will be scheduled on Thursday, September 13<sup>th</sup>;*
- *Staff was directed to contact the Farm Bureau regarding the September 13<sup>th</sup> work session;*
- *On September 18<sup>th</sup>, the meeting will need to end by 5:30 p.m.;*
- *Future Phasing will be covered on September 11<sup>th</sup>;*
- *Individual Zoning Requests will be deferred toward the end of the process;*
- *Chapter 82, Roads will need to be scheduled; and*
- *Commissioner President Randall stated will revise the Zoning Ordinance Work Session Schedule to accommodate a backup on redrafting documents by staff.*

**ADJOURNMENT**

The meeting adjourned at 9:40 p.m.

Minutes Approved by the  
Board of County Commissioners on 9/25/01

Judith A. Spalding *for*  
Kate Mauck, Administrative Assistant