

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Monday, January 8, 2007**

Members present were Steve Reeves, Chair; Howard Thompson, Vice Chair; Lawrence Chase; Merl Evans; Shelby Guazzo; Brandon Hayden; and Susan McNeill. Department of Land Use and Growth Management (LUGM) staff present were Denis Canavan, Director; Phil Shire, Deputy Director; Sabrina Hecht, Planner IV; Jeff Jackman, Senior Planner; Bob Bowles, Planner II; Dave Berry, Planner I; and Cindy Koestner, Recording Secretary. Deputy County Attorney, Colin Keohan was also present.

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

**ANNUAL ELECTION OF OFFICERS**

The annual election of officers took place, with Mr. Reeves being re-elected as Chairperson and Mr. Thompson being re-elected as Vice Chair.

**APPROVAL OF THE MINUTES** – The minutes of December 11, 2006 were approved as recorded.

**FAMILY CONVEYANCES**

**MSUB #06-110-132 – LONGS THREE LOT MINOR**

The applicant is requesting preliminary review of an additional lot on a private road in accordance with St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, Family Conveyance provision. The property contains 5.84 acres; is zoned Rural Preservation District (RPD), Airport Environs Overlay (AE); and is located at 22672 Deer Haven Lane, California, Maryland; Tax Map 42, Grid 1, Parcel 77.

Owner: Scott A. Ciatto  
Present: Jerry Nokleby

Certified Notice was mailed to all users of the private road and contiguous property owners. Certified receipts are in the file.

Mr. Bowles noted approval of an additional lot on Deer Haven Lane will bring the total number to nine lots on the road. He explained the certified mailings were sent out with the wrong meeting date and location; however, the property owners were all contacted again and given the correct information. Ms. Guazzo asked if there is a permanent right-of-way over the existing gravel drive to access the Long property. Mr. Nokleby replied there is and the right-of-way is included in the deed. Ms. McNeill inquired about the condition of the road. Mr. Nokleby responded there has not been much maintenance performed on the road in the past year but the road will be receiving work in the near future and the road maintenance agreement will help ensure the work continues.

**Mr. Thompson moved that having accepted the staff report, dated December 14, 2006, and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (*Criteria for Approval of a Family Conveyance*), the Planning Commission grant approval of the Family Conveyance subdivision plan, with the condition that agreements ensuring access to, and use and maintenance of, the road shall be recorded prior to recordation of the plat. The motion was seconded by Mr. Chase and passed by a 7-0 vote.**

**MSUB #06-110-106 – FRED WOOD SUBDIVISION, LOT 1**

The applicant is requesting preliminary review of an additional lot on a private road in accordance with St. Mary's County Subdivision Ordinance 02-02, Section 30.11.4, Family

Conveyance provision. The property contains 5.05 acres; is zoned Rural Preservation District (RPD); and is located at 27335 Fred Lane, Mechanicsville, Maryland; Tax Map 13, Grid 6, Parcel 306, Lot 1.

Owner: Nettie Jo Harding  
Present: Jerry Nokleby

Certified Notice was mailed to all users of the private road and contiguous property owners. Certified receipts are in the file.

Mr. Bowles noted approval of an additional lot on Fred Lane will bring the total number to eleven lots on the road. Ms. Guazzo inquired about the property lines of lots 500-1A and 500-1B that cross over Fred Lane. Mr. Nokleby replied there is an easement to allow access to the rear properties. He explained Mr. Fred Wood performs most of the road maintenance and the road is very well maintained.

The Chair allowed public comment from property owners of Fred Lane.

Kenneth C. Wood, local resident, explained his family owns 40 acres on Fred Lane and he is concerned the family will not be able to obtain building permits for their property. He noted he is not opposed to allowing the additional lot.

Edward Breen explained he supports the additional lot but expressed concern the existing road maintenance agreements are only between a portion of the property owners and not among all of the property owners. He added there is no guarantee each section of the road will be maintained to the same standard due to the fact that there are so many different agreements. Mr. Breen asked the Planning Commission to require all property owners on the road to sign a single road agreement prior to approving this additional lot.

Mr. Thompson asked how many road agreements are in existence for Fred Lane. Mr. Bowles replied he is not sure but the recent residents have all been required to sign an agreement. He added the Planning Commission can require all residents to sign one agreement prior to approval if they wish. Ms. Guazzo asked how many lots must exist on a private road before a road maintenance agreement is required. Mr. Bowles replied over five lots.

Fred Wood explained he built the road in 1974 and has always maintained the road. He added the road is very well maintained and his son will be taking over maintenance in the future. He noted he has one son and two daughters who also live on the road and the additional lot will be for his granddaughter. He has a road maintenance agreement with everyone else on the road. Mr. Guazzo asked Mr. Wood how many agreements he has signed. Mr. Wood responded ten road maintenance agreements. Ms. Guazzo expressed concern there are so many different agreements that need to be consolidated. She inquired about the property owned by Mr. Kenneth Wood. Fred Wood responded Kenneth Wood's family has not kept up their road maintenance agreement for their property.

Ms. Guazzo explained the Planning Commission can require all current lot owners to sign a new road maintenance agreement. Ms. McNeill expressed concern the existing lot owners cannot be forced to sign a new agreement. Mr. Bowles responded the lot will not be approved if a new agreement is required by the Planning Commission but the Applicant is unable to obtain everyone's signature. Mr. Shire noted the Ordinance does not require all property owners on private roads to sign the same agreement so the end result is multiple road maintenance agreements.

Kenneth C. Wood stated his grandfather actually built the first portion of this private road and he stressed he has tried to contribute funds towards road maintenance but Fred Wood would not accept the funds.

**Ms. Guazzo moved that having accepted the staff report, dated December 14, 2006, and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (*Criteria for Approval of a Family Conveyance*), the Planning Commission grant approval of the Family Conveyance subdivision plan, with the following conditions: that agreements ensuring access to, and use and maintenance of, the road shall be recorded prior to recordation of the plat; and that the road maintenance agreement shall be one new road maintenance agreement signed by all property owners of the 11 lots on Fred Lane in Mechanicsville, Maryland. The motion was seconded by Mr. Thompson and passed by a 7-0 vote.**

Ms. McNeill commented the Ordinance may need to be changed to ensure all users of a private road sign one maintenance agreement so the Planning Commission does not have to impose this condition individually on every family conveyance. Mr. Canavan responded staff will need to look at amending the language of the Ordinance in the future.

## **DEVELOPMENT REVIEWS**

### **CCSP #06-132-002 – SHADY COURT OFFICE COMPLEX**

The applicant is requesting review and approval of a concept site plan for two office buildings totaling 29,504 square feet. The property contains 2.568 acres; is zoned Corridor Mixed Use District (CMX); and is located on Buck Hewitt Road, Lexington Park, Maryland; Tax Map 43, Grid 2, Parcel 241.

Owner: W.M. Davis, Inc.  
Present: Jerry Nokleby

Mr. Bowles explained the property is located in the Lexington Park Development District (LPDD) and public water and sewer service is available for this site. Mr. Thompson inquired about the buffer facing the two neighboring residents across Thompson Court. Mr. Nokleby responded a buffer is planned along Buck Hewitt Road, but the Applicant can also add a buffer along Thompson Court. Mr. Evans noted the Applicant may need to increase the density of shrubbery along Thompson Court to reduce any impacts to the two neighboring homes.

**Mr. Evans moved that having accepted the staff report, dated December 15, 2006, and having made a finding that the objectives of Section 60.5.3 of the Zoning Ordinance have been met, and noting that the referenced project has met all requirements for concept approval, the Planning Commission grant approval of the concept site plan. The motion was seconded by Mr. Hayden and passed by a 7-0 vote.**

### **CCSP #05-132-016 – TOM HODGES AUTO SALES**

The applicant is requesting review and approval of a concept site plan for a 14,628 square foot motor vehicle maintenance building. The property contains 4.75 acres; is zoned Town Center Use District (TMX), Airport Environs Overlay (AE); and is located at 24179 Mervell Dean Road, California, Maryland; Tax Map 27, Grid 19, Parcel 855.

Owner: Thomas H. Hodges  
Present: John Parlett, CMI General Contractors

Mr. Bowles explained the property is located in the Hollywood Development District and public water and sewer service is available for this site. Ms. Guazzo inquired about the water and sewer service. Mr. Parlett responded the service lines still need to be extended.

**Mr. Thompson moved that having accepted the staff report, dated December 15, 2006, and having made a finding that the objectives of Section 60.5.3 of the Zoning Ordinance have been met, and noting that the referenced project has met all requirements**

**for concept approval, the Planning Commission grant approval of the concept site plan. The motion was seconded by Ms. McNeill and passed by a 7-0 vote.**

**CCSP #06-132-002 – JORDAN’S OFFICE BUILDINGS**

The applicant is requesting review and approval of a concept plan for two office buildings totaling 44,584 square feet. The property contains 5.34 acres; is zoned Residential Mixed Use District (RMX), Airport Environs Overlay (AE); and is located at 23279 By The Mill Road, California, Maryland; Tax Map 34, Grid 16, Parcels 33 and 441.

Owner: Russell E. Tazelaar  
Present: Dean Beck, Applicant; Donnie Mills of Mehaffey & Associates

Mr. Bowles explained design enhancements and four Transferable Development Rights (TDRs) will be required to increase the base floor area ration (FAR). In addition, the Department of Public Works and Transportation (DPW&T) has offered a fee-in-lieu to offset the traffic impact to all nearby intersections. The property is located in the LPDD and public water and sewer service will be available for connection to this site.

Ms. Guazzo pointed out the Planning Commission granted concept site plan approval on June 27, 2005 for this development to proceed with an amendment to the Comprehensive Water and Sewerage Plan (CWSP); however, at that time the applicant presented a proposal for 15 residential lots. She added the applicant also proposed 15 residential lots at the subsequent public hearing on August 22, 2005. She expressed concern the public did not get a fair representation of what will actually be constructed on this property because the use of the property has since been changed to two office buildings. Mr. Beck responded the public hearing was only to change the CWSP category for the property and two office buildings is a use that is allowed in the RMX zone. He noted only the use has been changed.

The Chair agreed to allow public comment.

Pat McGonigle, Commander of the neighboring VFW Post 2632, explained the concept plan presented tonight shows a different access than the original plan presented for the 15 residential lots. He expressed concern the parking lot of the proposed development will adjoin the parking lot of the VFW with no buffer between the two. Mr. Beck responded a survey of the property found one half of the right-of-way is owned by Mr. Tazelaar and the other half is owned by the VFW and Dr. Arrington. He noted the VFW parking extends over Mr. Tazelaar’s property line; therefore, the applicant has aligned the parking of the proposed development to match the existing VFW parking to allow double-sided parking.

Several Planning Commission members expressed concern regarding the change in use of the concept plan after the public hearing. Ms. Guazzo asked when the change in use was presented to staff. Mr. Bowles responded at the July 2006 Technical Evaluation Committee (TEC) review. Ms. McNeill asked if another public hearing will be needed. Mr. Jackman pointed out the public hearing only determines whether or not a property will be served by public water and sewer. Mr. Canavan responded the property owner has the right to develop a property to any use allowed within a certain zone and that use is not dependant on the plan presented at the CWSP amendment public hearing. Mr. Beck explained the use was changed due to problems with Adequate Public Facilities (APF) findings required for the 15-lot residential proposal.

Mr. Chase asked to hear from DPW&T regarding the traffic issues. John Groeger, Deputy Director of DPW&T, explained the intersections of MD 235 with MD 4, Wildewood Boulevard, and By The Mill Road all failed for this development. Because of this, DPW&T recommends the applicant pay a fee-in-lieu to mitigate for planned road improvements, including: the acquisition of land at the MD 235 and MD 4 intersection to construct an interchange and the extension of Lawrence Hayden Road from MD 4 to St. John’s Road. In addition, the VFW

entrance will be widened. Ms. Guazzo asked if the proposed deceleration lane will be dedicated to the State. Mr. Beck responded it will.

Mr. McGonigle commented the VFW will actually benefit if there is a joint-use-agreement created for the parking. He explained he likes this plan better than the original proposal for 15 residential lots.

**Ms. Guazzo moved that having accepted the staff report, dated December 27, 2006, and having made a finding that the objectives of Section 60.5.3 of the Zoning Ordinance have been met, and noting that the referenced project has met all requirements for concept approval, and further noting that this commercial project should follow the State Highway Administration and the County guidelines for road improvements and that the fee-in-lieu should be paid as recommended by the Department of Public Works and Transportation, the Planning Commission grant approval of the concept site plan. The motion was seconded by Mr. Thompson and passed by a 7-0 vote.**

**CDSP #06-120-010 – PEMBROOKE / THOMPSON SUBDIVISION**

The applicant is requesting review of a concept development plan for an 11-Lot major subdivision in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 5.32 acres; is zoned Residential Low-Density District (RL); and is located at 20787 Colby Drive, off Willows Road, Lexington Park, Maryland; Tax Map 51, Grid 16, Parcel 387.

Owner: CMI Group, LLC (c/o John Parlett)  
Present: Ken Crouse, Lorenzi, Dodd's & Gunnill, Inc.

Mr. Bowles explained this property is located in the LPDD and the applicant will request a CWSP amendment to change the water and sewer categories from W-6D and S-6D to W-3D and S-3D.

**Mr. Thompson moved that having accepted the staff report, dated December 28, 2006, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewerage Plan amendment to change the water and sewer categories from W-6D and S-6D to W-3D and S-3D, and noting that the subdivision plan must return to the Planning Commission for preliminary approval, the Planning Commission grant approval of the concept plan. The motion was seconded by Mr. Evans and passed by a 7-0 vote.**

**CDSP #06-120-010 – PEMBROOKE / KESSLER SUBDIVISION**

The applicant is requesting review of a concept development plan for a 28-Lot major subdivision in order to proceed with an amendment to the Comprehensive Water and Sewerage Plan. The property contains 6.20 acres; is zoned Residential Low-Density District (RL); and is located on Hermanville Road, Lexington Park, Maryland; Tax Map 51, Grid 23, Parcel 411.

Owner: CMI Properties, LLC (c/o John Parlett)  
Present: Ken Crouse, Lorenzi, Dodd's & Gunnill, Inc.

Mr. Bowles explained this property is located in the LPDD and the applicant will request a CWSP amendment to change the water and sewer categories from W-6D and S-6D to W-3D and S-3D.

**Mr. Chase moved that having accepted the staff report, dated December 28, 2006, and having made a finding that the referenced project meets concept plan requirements to proceed with a Comprehensive Water and Sewerage Plan amendment to change the water and sewer categories from W-6D and S-6D to W-3D and S-3D, and noting that the**

**subdivision plan must return to the Planning Commission for preliminary approval, the Planning Commission grant approval of the concept plan. The motion was seconded by Mr. Hayden and passed by a 7-0 vote.**

## **DISCUSSION**

### **CHARLOTTE HALL PROPERTY DRAFT MASTER PLAN, RP&CS**

Present: Phil Rollins, Director of Recreation, Parks and Community Services (RP&CS); Sam Crozier of Crozier Associates

Mr. Rollins explained the Board of County Commissioners (BOCC) asked for development of a concept plan on the 43 acres of County-owned property located behind the Northern Senior Center in Charlotte Hall. He added a need has been identified for senior housing in the northern portion of the County and this property has been identified as the most suitable location for this type of development in the Charlotte Hall area.

Mr. Crozier explained the concept plan calls for 60 units of assisted living, 150 units of one- and two-bedroom apartments and 100 cottage units designed as fourplexes. The plan also contains a pool, gymnasium and multi-generational building, all within walking distance from most of the housing units. The recreational facilities and multi-generational building will be open to people of all ages and will allow interaction between the senior residents and the neighboring community. In addition, the variety of housing will allow a continuum of care for the residents. Mr. Crozier explained access to the site will be through the access to the existing senior center and one additional access point off Charlotte Hall Road. The apartment units will incorporate sidewalks that connect to the senior center and large portions of wooded areas will be retained to preserve existing habitats.

Mr. Rollins added there are several issues that need to be worked out prior to moving forward with this plan, including: determination of property management issues, extension of public sewer service to the site, the transfer of an existing forest conservation easement, and a change to the current Town Center Mixed Use (TMX) zone. Mr. Rollins noted the Metropolitan Commission (MetCom) has indicated public sewer service to the area is possible in the near future. This plan was presented to the Recreation and Parks Board, the Commission on Aging and the community on November 2, 2006 and received a positive response.

Ms. McNeill asked if the assisted living facilities will be privately managed. Mr. Rollins replied yes. Mr. Evans asked if the intention is that residents will move from the individual units to the assisted living units as they need more care. Mr. Crozier replied that is a possibility. Mr. Evans inquired about the use of the multi-generational building. Mr. Rollins replied the building will be open to the community and contain elements such as a gymnasium, meeting rooms and art rooms. Mr. Crozier added this building and the other recreational facilities will be open to all ages and allow interaction between the senior residents and younger members of the surrounding community. Mr. Reeves noted there are not many parking spaces on the plan for residents who are still driving. Mr. Crozier responded the individual units all have parking and the apartment residents will likely be driving less. Ms. Guazzo commented on the intense use of the property with so many units. Mr. Rollins responded the continuum of care is important to the senior community; thus, the different types of housing and assisted living are needed. Ms. McNeill commented this is a good way to encourage the development of senior housing where it is needed.

### **FY 2008 BUDGET FOR LAND USE AND GROWTH MANAGEMENT**

Withdrawn from the agenda.

## **ANNOUNCEMENT**

Mr. Reeves reminded the Planning Commission members that there will be a special work session held on Wednesday, January 17th at 4:00 p.m. to discuss the December 11, 2006 presentation of the APF Task Force on the Community Based Annual Growth Policy Report.

**ADJOURNMENT**

The meeting was adjourned at 8:55 p.m.

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Cindy R. Koestner  
Recording Secretary

Approved in open session: January 22, 2007

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Stephen T. Reeves  
Chairman