

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, October 26, 2009**

Members present were Steven Reeves, Chairman; Brandon Hayden, Shelby Guazzo, Susan McNeill, Merl Evans, Martin Siebert, and Lawrence Chase. Department of Land Use & Growth Management (LUGM) staff present were Derick Berlage, Director; Bob Bowles, Planner IV; Yvonne Chaillet, Zoning Administrator; Dave Berry, Planner II; and Jada Stuckert, Recording Secretary. Deputy County Attorney David Weiskopf was also present.

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

APPROVAL OF THE MINUTES – The minutes of October 13, 2009 were tabled to the next meeting.

DISCUSSION

Capital Improvement Plan (CIP)

Jeannette Cudmore referenced the March 10, 2009 Planning Commission letter with updated Priorities and Categories for each project with a recommendation at the end of the letter to build a "New Library", in lieu of Library Renovations. Ms. Cudmore stated the approved FY 2010 contains the "New Library".

Mr. Erichsen gave an overview of the public facilities and highway projects. Mr. Rollins gave an overview of the Recreation and Parks projects totaling \$84,932. Ms. Sasscer gave an overview of the AG Preservation efforts including the Installment Purchase Agreement (IPA) which has been recommended for approval by the Planning Commission by June 30, 2010. The Planning Commission reviewed the recommended projects equaling \$42,285,639 and approved projects equaling \$20,684,805 which has a total difference of \$21,600,834.

Mr. Evans asked how collected earmarked funds are tracked i.e. traffic lights, etc. Ms. Cudmore stated a process for using these funds will be brought forth within the next few months to the County Commissioners.

DECISION

Chapter 65 Political Campaign Signs

Ms. Chaillet gave an overview of the October 13, 2009 hearing and stated no additional comments were received during the open record period. Ms. Guazzo asked that the word "temporary" remain in the in the language and asked that we prohibit the lighting of a political sign. Ms. Chaillet stated we currently allow lighted signs, not digitally, but illuminated, yes and prohibiting illumination could possibly be infringing on the owners freedom of speech rights.

Ms. Guazzo made a motion to table the decision on Political Campaign Signage until the third meeting from this date and Ms. McNeill seconded. The motion passed by a 7-0 vote.

Ms. McNeill recommended a work-session with the Deputy County Attorney regarding all the pros and cons of the First Amendment.

DEVELOPMENT REVIEW

CCSP #08-132-003 – Home 2 Suites

Mr. Berry gave an overview of the request for a 62,260 sq. foot hotel stating final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval and there are no outstanding issues that would affect a decision this evening.

Ms. Guazzo stated the buffer of 15 feet in the rear of the property considering it is a 47 foot high building concerns her. Ms. Guazzo stated the buffer needs to have at the minimum a seven foot fence with more canopy trees and strict stipulations on the lights.

Mr. Brian Norris gave an overview of the development project stating the hotel is not optimistic about the amount of trees we will be able to keep and new plantings will definitely be needed in the buffer. Mr. Norris stated the hotel would not be opposed to additional lighting standards. Mr. Norris stated there will be no parking in the rear of the hotel therefore there will be less lighting in the rear of the building. Mr. Norris stated

there will be no balcony's on the hotel. Ms. Guazzo asked that the building be brought forward on the property to retain a larger buffer yard in the rear.

Ms. Guazzo recommended that the building itself be moved forward ten (10) feet, a seven (7) foot fence in the rear with lighting to be placed no higher than 15 feet and the lighting must be placed on the property line facing the building. Mr. Chase asked if the land for FDR Boulevard is being donated to the County. Mr. Norris stated yes, the land for FDR Boulevard is being donated to the County. Mr. Hayden and Ms. Guazzo expressed their concern about the off-site parking and the citizens who will have to cross FDR Boulevard to get to the hotel.

Ms. Guazzo made a motion to table this proposal until such time that staff and the applicant are ready to bring it back and Ms. McNeill seconded. The motion passed by a 6-0-1 vote with Mr. Chase abstaining.

CCSP #08-132-017 – Future Home and Health Care

Mr. Seibert excused himself from voting on this project as he is the owner. Mr. Berry gave an overview of the request for a nursing home stating nine (9) TDRs will be required, the structure must be residential in appearance, and final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval.

Mr. Berry stated the applicant has indicated that they desire to request concept development plan approval in order to move forward with a Comprehensive Water and Sewer Plan Amendment, as well as, a Concept Site Plan approval.

Mr. Nokleby gave an overview of the project stating the one-story building will contain 124 beds, food service, medical treatment area, laundry area, several lounge and activity areas, and two outside courtyard areas. Mr. Nokleby referenced staffs recommendation to make the building look more residential. Mr. Nokleby stated his client has proposed a mixture of brick and siding on all sides of the building as well as a pitched roof, numerous windows and many step backs and kick outs. Mr. Nokleby stated when driving by this site you will see many different views.

Ms. Guazzo stated the large buffer yard in the front of the building seems unnecessary considering this is in the village and buildings are supposed to be close to the road. Ms. Guazzo recommended removing the berm and reducing the 50 foot buffer. Ms. Guazzo stated you only need an "A Type" buffer with some canopy trees as this is not a building we're trying to hide. Ms. Guazzo stated if the berm is removed and the buffer narrowed the building can move forward 25 feet which will free up space in the rear of the building for utilities, trash receptacles, ambulances, etc. Ms. McNeill suggested other architectural features that may make the nursing home more livable for the residents.

Mr. Berry stated the front buffer yard is required to be 75 feet wide and in this case is already being reduced to a 50 foot buffer yard. Mr. Berry stated to further reduce the buffer yard would require Board of Appeals Variance approval. Ms. Guazzo stated when we make our motion we could say we believe the buffer yard of 50 feet is excessive which should count for something with the Board of Appeals.

Ms. Guazzo made a motion in the matter of CDSP #08-132-017, Future Home & Health Care, having accepted the staff report and having made a finding that the referenced project meets concept development plan requirements to proceed with a Comprehensive Water and Sewer amendment to change the water and sewer categories from S-6D and W-6D to S-3D and W-3D, I move that the concept development plan be approved and Mr. Hayden seconded. The motion passed by a 6-0-1 vote with Mr. Seibert recusing himself.

Ms. Guazzo made a motion in the matter of CCSP #08-132-017, Future Home & Health Care, having accepted the staff report 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, I move that the concept site plan be approved with the following:

- 1. The berm in the buffer yard along Route 5 is eliminated.***
- 2. We recommend the developer proceed to the Board of Appeals to make the bufferyard along Route 5 narrower.***

And Mr. Evans seconded. The motion passed by a 6-0 vote with Mr. Seibert recusing himself.

DISCUSSION

Update regarding Park Place

Tabled to next meeting.

Annual Update on the Woods at Myrtle Point

Mr. P.F. Summers and Mr. Charles Miller gave an overview of the Myrtle Point subdivision including the development status, house construction update, and recreation amenities.

Mr. Evans asked when the recreation amenities will move forward. Mr. Miller stated hopefully we will begin work within the next 5 to 8 months. Mr. Evans asked which punch-out items have not been completed.

Ms. Guazzo asked if they have gone to record plat with any other phase at this time. Mr. Summers stated no. Mr. Summers stockpile of topsoil. Mr. Evans encouraged Mr. Summers to speak with the HOA more often.

Mr. Reeves stated because this is not a public hearing public comments can be submitted in writing to Land Use & Growth Management.

ADJOURNMENT

The meeting was adjourned at 9:33 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: November 9, 2009

Stephen T. Reeves
Chairman