

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * GOVERNMENTAL CENTER * LEONARDTOWN, MARYLAND
Monday, November 22, 2004**

Members present were John Taylor, Chairman; Larry Greenwell, Vice Chair; Lawrence Chase; Julia King; Steve Reeves; Joseph St. Clair; and Howard Thompson. Department of Land Use & Growth Management (LUGM) staff present was Denis Canavan, Director; Phil Shire, Planner IV; and Sharon Sharrer, Recording Secretary. Assistant County Attorney Heidi Dudderar was also present.

The Chair called the meeting to order at 6:32 p.m.

APPROVAL OF MINUTES – The minutes of November 8, 2004 were approved as recorded.

DEVELOPMENT REVIEW

CCSP #04-132-010 – OAK CREST CENTER PUD

The applicant is requesting review and approval of four minor amendments to an approved Planned Unit Development (PUD), for 139.5 acres mixed use development. The property contains 139.542 acres, is zoned Planned Unit Development – Industrial Park (PUD-IP) Airport Environs (AE) Overlay, and is located on the northeast side of Three Notch Road (MD Route 235) approximately 3,100 feet northwest of its intersection with Patuxent Beach Road (MD Route 4) in California, Maryland; Tax Map 34, Grid 10, Parcel 292.

Owner: Cecil's Mill, LLC
Agent: Mehaffey & Associates, PC

Withdrawn from the agenda.

CCSP #04-132-025 – BELK DEPARTMENT STORE EXPANSION

The applicant is requesting review and approval of a concept site plan for a 16,000 square foot expansion of the store. The property contains 36.56 acres, is zoned Community Commercial (CC) Planned Unit Development (PUD) Airport Environs (AE) Overlay, and is located at 23415 Three Notch Road in the Wildewood Shopping Center in California, Maryland; Tax Map 34, Grids 9 & 15, Parcels 623.

Owner: SJS Wildwood, SC L.P.
Agent: Chuck Arnold, of Artech Design

Mr. Shire said that the existing service road would need to be moved back by approximately ten (10) feet to allow for this expansion. The applicant is currently working with Soil Conservation District and Department of Public Works & Transportation on stormwater management. This PUD was originally approved to accommodate 331,858 square feet of retail space in the shopping center. According to the last update in September 2004, there is approximately 76,000 square feet left to build out. Staff is working on fine-tuning the exact figures, but feels confident that there will be at least 50,000 square feet remaining after this approval.

Mr. Taylor asked if this would be a minor amendment. Mr. Shire responded that he did not believe it was even a minor amendment but if it does turn out to be one he will return to the Planning Commission with the amendment request.

Mr. St. Clair moved that, having accepted the staff report, dated November 16, 2004, and having made a finding that the proposed development standards shown on the proposed site plan are in keeping with the overall development plan for the PUD, and noting that the project has met all requirements for concept approval as a prerequisite for final site plan approval, the concept site plan be approved with the condition of verification that this proposal is in accordance with the approved PUD development plan. The motion was seconded by Mr. Reeves and passed by a 7 – 0 vote.

DISCUSSION REVIEW

CWSP #04-120-016 - HERITAGE MANOR SUBDIVISION

The applicant is requesting amendment of service map II-63 to change water service category from NPS (No Planned Service) to RW (Rural Water service, developer financed). The property contains 111.64 acres, is zoned Rural Preservation District (RPD), and is located on the west side of MD 5 two miles south of Mattapany Road at the end of Heritage Hill Lane in St. Mary's City, Maryland; Tax Map 63, Block 23, Parcels 36, 37, 362, and lot 7.

Owner: Evelyn S. Clark
Agent: Dean Wilkinson, of R. A. Barrett Associates, Inc.
Chris Longmore, of Dugan, McKissick, Wood & Longmore, LLC

A public hearing was conducted on September 27, 2004. At that time, the record was left open for ten (10) days for written comments. On October 12, 2004, the motion was made, and carried, to recommend denial of the requested change in the St. Mary's County Comprehensive Water and Sewerage Plan to the Board of County Commissioners. After the decision was made, the applicant requested reconsideration of the decision to recommend denial of this amendment.

Mr. Thompson said that he had spoken with staff since the original motion for denial was made. He explained that part of his reasoning for voting for denial of the requested amendment had to do with the proposed development itself rather than with the requested amendment to change the water and sewer categories.

Mr. Thompson made a motion for reconsideration on this proposed amendment. The motion was seconded by Mr. St. Clair and passed by a 5 – 2 vote.

Mr. Taylor asked the applicant's agent if he wished to make any comments relative to the reconsideration.

Chris Longmore spoke on behalf of the applicant. He explained that a letter had been submitted detailing their position, including the factors in the statute that they feel the Planning Commission should consider in their decision.

Mr. Thompson explained that he realized, although he may not agree with the development plan being proposed, his reservations were not concerning the water and sewer amendment being considered at the public hearing. The development plans themselves, as well as the proximity of the proposed development to Webster Field, would be considered at a later stage.

Mr. Reeves asked if approval on the development itself could be tabled until the Navy weighs in on the discussion. Mr. Greenwell said that, if the development comes out on a

subdivision plan, the Navy would get a letter and would make their comments on the plan. Mr. Shire added that the project would also have to go through the TEC process again, to get a full review.

Commission members expressed their concerns with the TDR program, which allows purchasing of TDRS in the RPD to put elsewhere in the RPD. Mr. Taylor stressed that this is the way the law is written. Ms. King explained that her concern is that most of the TDR issues seen before the Planning Commission have been the purchase of TDRS from the RPD to send back into the RPD. She continued that very few of the requests had been to send development rights into the Development District. Mr. Reeves expressed concern that this is allowing the purchase of TDRS from one farm community to allow overdevelopment in another farm community. He said that developing these areas to the extent that the law allows is not always in the public's best interest.

Mr. St. Clair mentioned that the Farm Bureau and the Agricultural Seafood Commission are taking a look at the TDR program. He asked for input on this process. Mr. Canavan explained that the suggestion to revisit the formula for calculating TDRS was put forward at a public forum in December of 2003. Discussions have taken place on changing the conversion factors for using TDRS. He said that the agricultural community has come forward to express their concern with the buildout in the RPD. Mr. Canavan said that the County Commissioners have asked him to continue to work with the agricultural community to figure out a preferred method to allow the process to go forward to simplify the formula for calculating TDRS, while retaining some larger parcels for farming purposes.

Commission members expressed their concern that the intent of TDRS was not to transfer development rights into the RPD. Mr. Taylor explained that, while the main intent was to allow development in the Development District, there were obviously provisions made to allow the development in the RPD as well. He said that it probably was just not contemplated how actively these provisions would be used.

Mr. Thompson moved that having accepted the staff report, dated September 17, 2004, and after conducting a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan in anticipation of a rural central water system being constructed as part of the proposed Heritage Manor Subdivision per case 04-120-016; and having found that the requested amendment complies with the spirit and intent of both the St. Mary's County Comprehensive Plan and the St. Mary's County Comprehensive Water and Sewerage Plan; the Planning Commission recommend that the amendment be forwarded to the Board of County Commissioners for adoption as proposed. The motion was seconded by Mr. St. Clair and passed by a 4 – 3 vote.

LEXINGTON PARK DEVELOPMENT DISTRICT MASTER PLAN

Staff provided copies of comments received during the open record period to the Planning Commission members. A brief discussion was held on some of the proposed changes to the Lexington Park Development District, with Mr. Canavan providing answers to members' questions. Mr. Canavan suggested that the Lexington Park Development District Master Plan be advertised for inclusion on the agenda for the Planning Commission meeting on December 13, 2004.

Mr. St. Clair asked that it be clarified that the proposed Indian Bridge school site discussed at the public hearing for the Lexington Park Development District Master Plan is not the Gladfelter tract, which is sometimes referred to as the Salem tract. The school site proposed at this time is on the easterly side of Indian Bridge Road.

Planning Commission members asked what the reasoning was to put the Beavan property back into the Development District. Mr. Canavan explained that the property is currently zoned RL. This zoning allows for a base density of one (1) dwelling unit per acre. This property does not perc due to hydric soils. In order to get water and sewer extended to a property the St. Mary's County Comprehensive Water & Sewerage Plan has a policy that says you must be in the Development District. Given the development constraints of this property, they must have water and sewer or they will never realize the allowed density. Commission members suggested that Mr. Beavan always has the option of requesting that his property be down-zoned to RPD, providing him with TDR rights for his property.

Mr. Taylor said that, as he understood it, the benefits to the County in putting the Wildewood property in the Development District would be to get a school site and road enhancements. He said that he felt that the location for a school site on that property is ideal. Mr. Canavan added that this would also provide another access point to the Wildewood community. The Wildewood PUD has been approved for in excess of 3,200 dwelling units, while only a little over 1,200 have been realized at this time. Currently there are only three access points to the Wildewood community. Mr. Canavan explained that the Wildewood PUD has already been approved as satisfying adequate public facilities. He said that the pace of development at the Wildewood PUD is going to pick up over the next few years, possibly 150-200 dwelling units per year rather than 20-40 dwelling units per year. There is an opportunity for a school site. A portion of this school site is in the PUD, a portion is outside of the PUD.

ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

Sharon J. Sharrer
Recording Secretary

Approved in open session:
January 10, 2005

Larry Greenwell
Vice Chair