

ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT
Phillip J. Shire, Director
William B. Hunt, AICP, Deputy Director



BOARD OF COUNTY COMMISSIONERS
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Daniel L. Morris, Commissioner

April 14, 2014 Planning Commission
Public Hearing Documents

St. Mary's County
Comprehensive Water and Sewerage Plan Amendment
Case 13-200-003
Estates at Joy Chapel Section 2 Subdivision



Notice of Public Hearing

Proposed Amendment to the St. Mary's County Comprehensive Water and Sewerage Plan for Outparcel A of the Estates at Joy Chapel Subdivision, Section 2

NOTICE IS HEREBY GIVEN that the St. Mary's County Planning Commission will conduct a public hearing in the Public Meeting Room of the Chesapeake Building, located at 41770 Baldrige Street, Leonardtown, Maryland, on Monday April 14, 2014 beginning at 6:30 p.m., for the purpose of receiving public testimony concerning proposed amendments to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP).

The proposed amendments would change the water service category for 6.84 acres at the northeast corner of the Joy Chapel Road intersection with Mervell Dean Road (MD Route 944) described as Outparcel A of the Estates at Joy Chapel Subdivision from W-6D (service in 6 to 10 years, developer financed) to W-3D (service in 3 to 5 years, developer financed), and change the sewer service category for Outparcel A from S-6D (service in 6 to 10 years, developer financed) to S-3D (service in 3 to 5 years, developer financed) in anticipation of providing public water and sewerage service for proposed multifamily development.

A copy of the proposed amendment is available for viewing at each public library within the County, at the Public Information Office located in the Chesapeake Building at 41770 Baldrige Street, Leonardtown, Maryland, and through links on the St. Mary's County Government web page: www.co.saint-marys.md.us

Jeff Jackman, Senior Planner
St. Mary's County Department of Land Use and Growth Management
(301) 475-4200 ext. 1541

Please publish as a legal notice in the *Enterprise* on March 28, 2014 and April 4, 2014.

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PUBLIC HEARING STAFF REPORT

To: Planning Commission

From: Jeffrey Jackman, Senior Planner J.J.

Date: March 21, 2014

Hearing Date: April 14, 2014

Re: **Estates at Joy Chapel Subdivision Section 2 CWSP Amendment, Case No. 13-200-003**

Pursuant to provisions of the St. Mary's County Comprehensive Water and Sewerage Plan (the "CWSP"), the Planning Commission will hold a public hearing on April 14, 2014 to consider a request to amend the CWSP as follows:

Proposed: amend service area maps III-27 and IV-27 to change the water and sewer service categories from W-6D and S-6D (service in 6 to 10 years, developer financed) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 6.84 acres described as Tax Map 27, Grid 19, Parcel 431, Outparcel A of the Estates at Joy Chapel Subdivision. The property is located at the northeast corner of the Joy Chapel Road intersection with Mervell Dean Road (MD Route 944) in the Hollywood Town Center of the 6th Election District. The service category changes are requested in anticipation of providing public water and sewerage service for proposed multifamily development.

I. DEVELOPMENT DATA:

Owner: Trustees of the Mark and Joanne Dillow Revocable Trusts

Location: Tax Map 27, Grid 19, Parcel 431, Outparcel A of the Estates at Joy Chapel Subdivision in the 6th Election District (northeast corner of the Joy Chapel Road -Mervell Dean Road intersection).

Zoning: Residential Low Density (RL), Hollywood Town Center

II. BACKGROUND INFORMATION:

This proposal for multi-family development (13-132-007) was reviewed by all Technical Evaluation Committee (TEC) agencies in June, 2013. Principal TEC comments from the Health Department and MetCom support the proposed connections to public water and sewer service.

III. ANALYSIS REQUIRED PURSUANT TO SECTION 1.5.3(D) OF THE ST. MARY'S COUNTY COMPREHESIVE WATER AND SEWERAGE PLAN

1.5.3(D)(1) A public hearing is scheduled for April 14, 2014 ; notice is to be advertised in *The Enterprise*, a newspaper of general circulation in St. Mary's County, on March 28, 2014 and April 4, 2014. The property will be posted and adjoining property owners notified by certified mail as required.

1.5.3(D)(2) The Department of Land Use and Growth Management has:

- 1) Consulted every official planning agency having any immediate jurisdiction in the county, including those with multi-county or regional jurisdiction;

- 2) Provided to the Maryland Department of the Environment (“MDE”) a statement that the above agencies have been consulted; and
- 3) Provided MDE with prior written notice of the hearing.

1.5.3(D)(3) Staff report, including the analysis required pursuant to §9-506(a)(3) of the Environment Article of the Annotated Code of Maryland:

- 1) Compatibility with the St. Mary’s County Comprehensive Plan. The proposed development lies within the Hollywood Town Center which is a planned growth area. §7.4.2.A.i.a calls for the provision of central water supply systems in the development districts and town centers. §7.6.1.B.iii.a directs that planned sewerage service be provided to growth areas.
- 2) Planning and zoning issues. The proposed connections would serve residential multifamily development which is approvable in the Residential Low Density zoning district. Sections 70.8.1 and 70.9.1.a of the Comprehensive Zoning Ordinance require the connection of new development to public sewer and water systems. The density at buildout will be 4.97 units per acre which will be consistent with the character of a PFA.
- 3) Population estimates. The allocation of 34 EDUs of water and sewerage capacity will be required. The Lexington Park water supply system and the Marlay-Taylor Water Reclamation Facility and collection system are currently adequate to serve the proposed development.
- 4) Engineering. All construction will be in accordance with the St. Mary’s County Standard Specifications for Water and Sewerage Construction.
- 5) Economics. The applicant will bear all installation costs involved in connecting the subject development to existing service lines. No other properties will be impacted by the proposed new service areas.
- 6) State, regional and municipal plans. Before an amendment to the CWSP is finalized, it must be reviewed by the state for compatibility with state laws and programs. A copy of the proposed amendment has been submitted to MDE for distribution to appropriate state agencies. Staff anticipates that the proposed amendment will be found to be compatible with applicable state laws and programs.
- 7) Comments received from other agencies in the County. Per section 1.5.3(C)(2) of the CWSP, principal Technical Evaluation Committee comments from the Health Department and Metropolitan Commission must become part of the record to complete the application. In summary, these agencies support the provision of public water and sewerage service to the subject property.

IV. ACTION REQUESTED OF PLANNING COMMISSION

- 1) Conduct a public hearing
- 2) Close the record
- 3) Forward a recommendation to the Board of County Commissioners

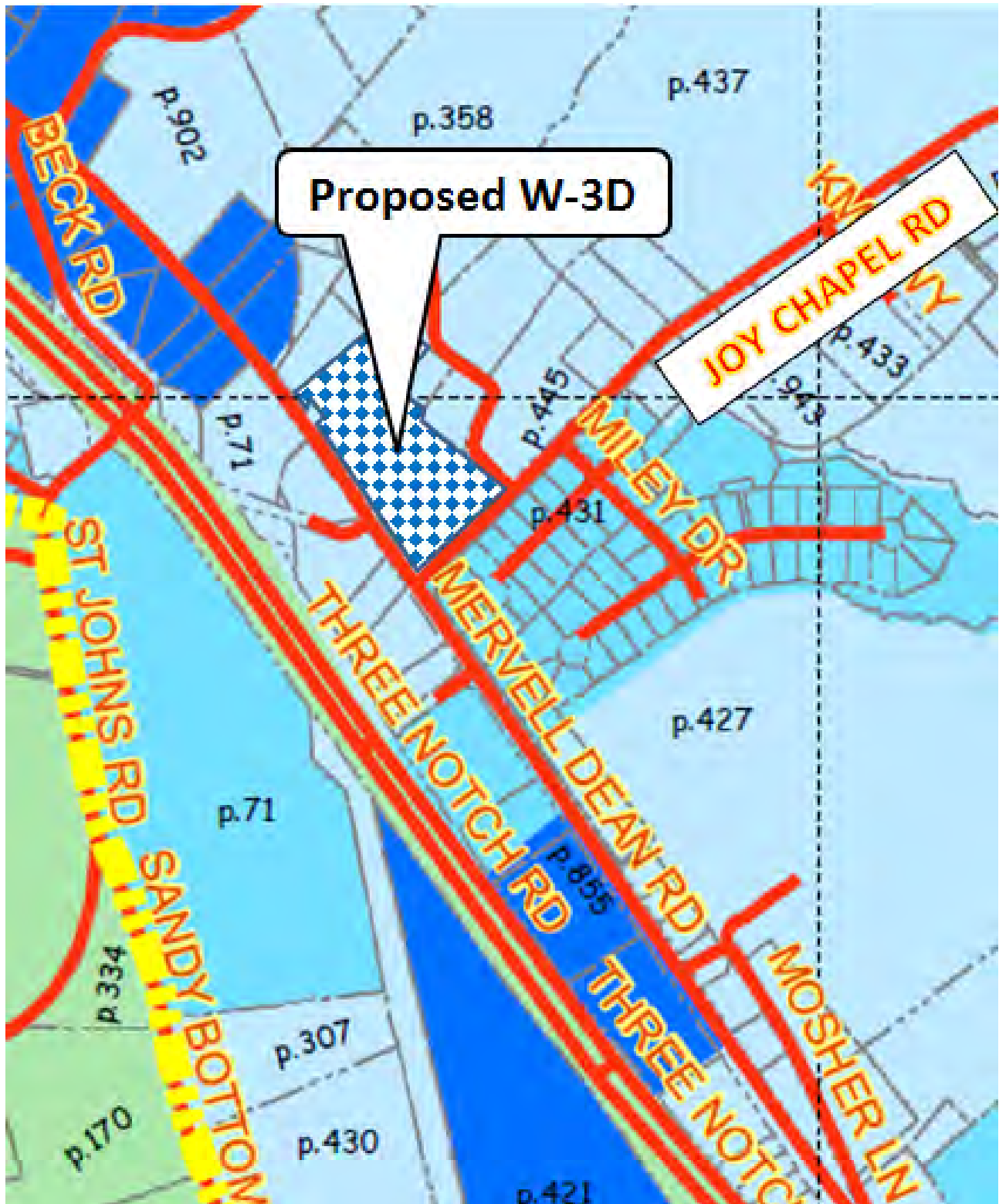
SAMPLE MOTION: In the matter of requested amendments to the St. Mary’s County Comprehensive Water and Sewerage Plan (CWSP) for the Estates at Joy Chapel Subdivision, Section 2, Case No. 13-200-003: having accepted the staff report dated March 21, 2014, and having held a public hearing on the request to amend the CWSP, and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the Environment Article of the Maryland Annotated Code and of

consistency with the St. Mary's County Comprehensive Plan, I move that the Planning Commission recommend to the Board of County Commissioners that service area maps III-27 and IV-27 be amended to change the service categories from W-6D and S-6D (service in 6 to 10 years, developer financed) to W-3D and S-3D (service in 3 to 5 years, developer financed) for property described as Tax Map 27, Grid 19, Parcel 431, Outparcel A of the Estates at Joy Chapel Subdivision in the 6th Election District; I further move that the Chair be authorized to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Commissioners of St. Mary's County.

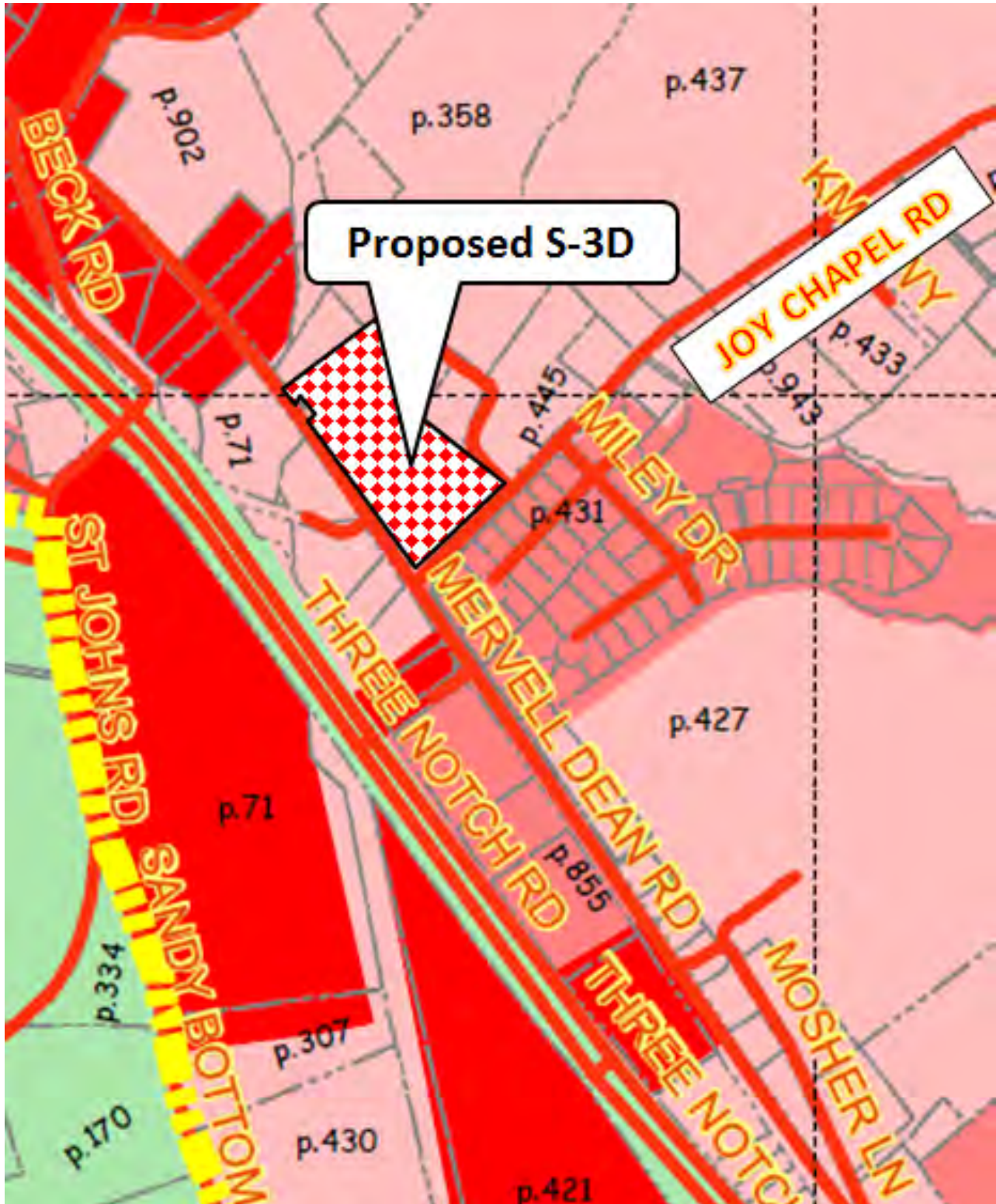
Estates at Joy Chapel, Section 2
Concept Plan 13-132-007



WATER SERVICE MAP III-27



SEWER SERVICE MAP IV-27



RESOLUTION

WHEREAS, the Trustees of the Mark and Joanne Dillow Revocable Trusts (the “Applicants”) made application to access community water and sewer service for a proposed multifamily residential development on 6.84 acres described as Outparcel A of the Estates at Joy Chapel Section 2 (Tax Map 27, Grid 19, Parcel 431), in the 6th Election District of St. Mary’s County, Maryland (hereinafter the “Property”); and

WHEREAS, this access necessitates amendment to the St. Mary’s County Comprehensive Water and Sewerage Plan (hereinafter the “CWSP”); and

WHEREAS, following due notice published in the March 28, 2014 and April 4, 2014 editions of *The Enterprise*, a newspaper of general circulation in St. Mary’s County, the posting of the Property, and written notification to the adjoining property owners, the St. Mary’s County Planning Commission (hereinafter the “Planning Commission”) conducted a public hearing on April 14, 2014 to consider the Applicants’ request; and

WHEREAS, the Planning Commission concludes that the proposed amendments meet the requirements of §9-506(A)(3) of the *Environment Article* of the Maryland Annotated Code based on the following findings:

i) Compatibility with the St. Mary’s County Comprehensive Land Use Plan.

St. Mary’s Comprehensive Plan (effective 4/6/10), Chapter VII:

7.4.2.A.i.a Provide central water supply systems in the development districts and town centers.

7.6.1.B.iii.a Provide planned sewerage service and extend new sewerage service in a deliberate and orderly manner to planned growth areas.

Therefore, this proposal is consistent with the Comprehensive Plan.

ii) Planning and Zoning Issues.

The proposed connections would serve residential multifamily development which is approvable in the Residential Low Density zoning district. Sections 70.8.1 and 70.9.1.a of the Comprehensive Zoning Ordinance require the connection of new development to public sewer and water systems.

iii) Population Estimates.

The allocation of 34 EDUs of water and sewerage capacity will be required. The Lexington Park water supply system and the Marlay-Taylor Water Reclamation Facility and collection system are currently adequate to serve the proposed development.

iv) Engineering.

All construction will be in accordance with the St. Mary’s County Metropolitan Commission’s *Standard Specifications for Water and Sewerage Construction*.

v) Economics.

The applicant will bear all installation costs involved in connecting the subject development to existing water and sewer service. The Property abuts an existing water service line on Mervell Dean Road. Sewer service will be accessed by way of connection to the existing system in Section 1 of the Estates at Joy Chapel. No existing development will be affected by this change in service area.

vi) State, Regional, and Municipal Plans.

Before an amendment to the CWSP is finalized, it must be reviewed by the state for compatibility with state laws and programs. The proposed amendments are consistent with applicable state laws and programs.

vii) Comments received from other agencies in the County.

Per section 1.5.3(C)(2) of the CWSP, principal Technical Evaluation Committee comments from the Health Department and the Metropolitan Commission must become part of the record to complete the application. These agencies support the provision of community sewerage service to the property; and

WHEREAS, the Planning Commission finds that the requested service would promote the public health and safety, and amending the CWSP is necessary and appropriate,

NOW THEREFORE BE IT RESOLVED by the St. Mary's County Planning Commission to recommend to the Commissioners of St. Mary's County that service area map III-27 of the St. Mary's County Comprehensive Water and Sewerage Plan be amended to change the water service category from W-6D (service in 6 to 10 years, developer financed) to W-3D (service in 3 to 5 years, developer financed) and that service area map IV-27 of the St. Mary's County Comprehensive Water and Sewerage Plan be amended to change the sewer service category from S-6D (service in 6 to 10 years, developer financed) to S-3D (service in 3 to 5 years, developer financed) for Outparcel A of the Estates at Joy Chapel Section 2.

BE IT FURTHER RESOLVED by the St. Mary's County Planning Commission that this Resolution shall be effective upon its adoption.

Date of Adoption: _____

ST. MARY'S COUNTY PLANNING COMMISSION

J. Howard Thompson, Chair

Attest:

Phillip J. Shire, Director
Department of Land Use and Growth Management

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Office of the County Attorney