

ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT
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November 25, 2013 Planning Commission
Public Hearing Documents

St. Mary's County
Comprehensive Water and Sewerage Plan Amendment
Case 13-200-002
B. Morgan Property, Town Creek Manor Subdivision



Notice of Public Hearing

Proposed Amendment to the St. Mary's County Comprehensive Water and Sewerage Plan for the B. Morgan Property, Town Creek Manor Subdivision

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 November 25, 2013 beginning at 6:30 p.m., for the purpose of receiving public testimony in considering an amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP). The amendment to be considered is as follows:

For case #13-200-002, B. Morgan Property, Town Creek Manor Subdivision: amend service area map IV-35 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 1.0 acres described as Tax Map 35A, Grid 16, Parcel 14, Lot 500-17, Block B, Section 6, Town Creek Manor Subdivision (also known as 45630 Legerton Lane, Lexington Park, MD) in the 8th Election District in anticipation of providing public sewerage service to a proposed residential subdivision. Lot 500-17 is proposed to be subdivided to create Lot 5000-17A (with existing dwelling) and Lot 5000-17B.

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 November 8, 2013 and November 15, 2013.



PUBLIC HEARING STAFF REPORT

To: Planning Commission
From: Jeffrey Jackman, Senior Planner
Date: November 4, 2013
Hearing Date: November 25, 2013
Re: **B. Morgan Property, Town Creek Manor Subdivision CWSP Amendment, Case No. 13-200-002**

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 November 25, 2013 to consider a request to amend the CWSP as follows:

Proposed: amend service area map IV-35 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 1.0 acre described as Tax Map 35A, Grid 16, Parcel 14, Lot 500-17, Block B, Section 6, Town Creek Manor Subdivision (also known as 45630 Legerton Lane, Lexington Park, MD) in the 8th Election District in anticipation of providing public sewerage service to a proposed residential subdivision. Lot 500-17 is proposed to be subdivided to create Lot 5000-17A (with existing dwelling) and Lot 5000-17B.

I. DEVELOPMENT DATA:

Owner: Bernard S. & Krystyna S. Morgan

Location: Map 35A, Grid 16, Parcel 14, Lot 500-17, Block B, Section 6, Town Creek Manor Subdivision in the 8th Election District (also known as 45630 Legerton Lane)

Zoning: Residential Neighborhood Conservation (RNC), Lexington Park Development District

Other: Water Service Category is W-6D and a connection waiver has been approved.

II. BACKGROUND INFORMATION:

This minor subdivision (12-110-032) was reviewed by all Technical Evaluation Committee (TEC) agencies in December, 2012. Principal TEC comments from the Health Department and MetCom support the proposed connections to public sewer.

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 November 25, 2013; notice is to be advertised in *The Enterprise*, a newspaper of general circulation in St. Mary's County, on November 8, 2013 and November 15, 2013. 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:

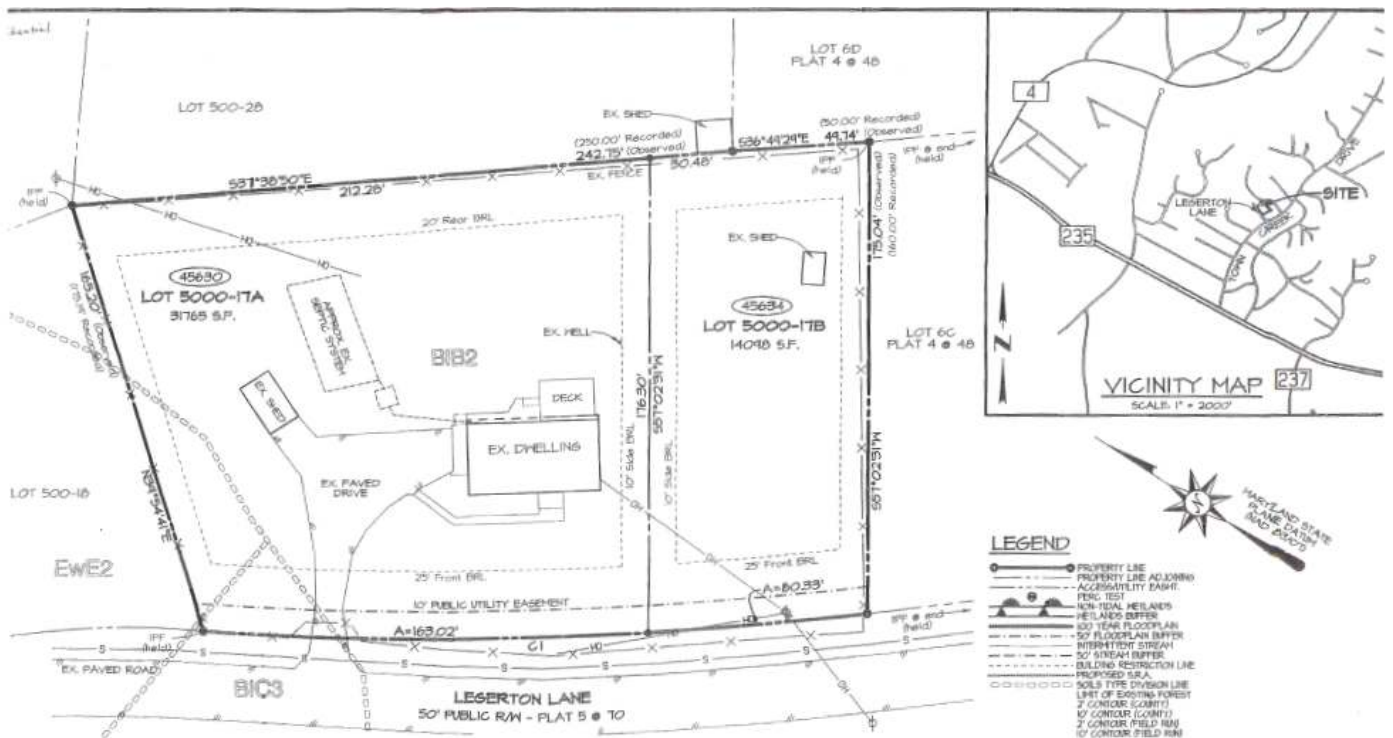
- 1) Compatibility with the St. Mary’s County Comprehensive Plan. §7.6.1.B.iii.a directs that planned sewerage service be provided to planned growth areas.
- 2) Planning and zoning issues. The requested connection would serve a proposed residential subdivision of 2 lots. The proposed density is achievable in the RNC zoning district with the application of one Transferable Development Right (TDR). Section 70.8.1 of the Comprehensive Zoning Ordinance requires the connection of new development (includes subdivisions) to a public sewer system. In this case, the existing dwelling on proposed Lot 5000-17A will be required to connect as will the future home on Lot 5000-17B. Subject property abuts developed land currently served by public sewer.
- 3) Population estimates. Approval of the subdivision will require the allocation of 2 EDUs of sewerage capacity. 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 the existing service line within the Legerton Lane right of way which abuts the property.
- 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 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 a requested amendment to the St. Mary’s County Comprehensive Water and Sewerage Plan (CWSP) for the proposed B. Morgan Property, Town Creek Manor subdivision, Case No. 13-200-002: having accepted the staff report dated November 4, 2013, 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 map IV-35 be amended to change the 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 property described as Tax Map 35A, Grid 16, Parcel 14, Lot 500-17, Block B, Section 6, Town Creek Manor Subdivision in the 8th 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.



OWNER'S CERTIFICATE

We, Bernard S. Morgan and Kristyna S. Morgan, the owners of the property shown hereon and described in the

CURVE TABLE

LINE	ARC	RADIUS	DELTA	CHORD BEARING	CHORD
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SURVEYOR'S CERTIFICATE

I, the undersigned, a Licensed Surveyor in the State of Maryland, hereby certify, to the best of my knowledge,

SEWER SERVICE AREA MAP IV-35

