

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, April 13, 2009**

Members present were Brandon Hayden, Chairman; Shelby Guazzo, Susan McNeill, Merl Evans, Martin Siebert, and Lawrence Chase. Stephen Reeves was excused. Department of Land Use & Growth Management (LUGM) staff present were Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; 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 March 9, 2009 and March 23, 2009 were approved as presented.

DECISION

Real Estate Signs

Ms. Chaillet stated Mr. Weiskopf submitted his written opinion regarding this text amendment. Ms. Chaillet stated the record was left open for 10 days following the public hearing and comments were submitted which have been provided to the Planning Commission.

Ms. McNeill recommended changing the language from “advertising” to “directional” signs. Ms. Chaillet asked if the address of the property could be on the directional sign. Ms. McNeill stated yes. Ms. McNeill stated she feels our economic conditions warrant the text amendment.

Mr. Evans stated a sunset date is needed for this amendment. Mr. Evans also recommended at some point reviewing all the sign regulations in a comprehensive way in the near future. Ms. Guazzo stated she has a lot of concerns about picking one entity to allow directional signs. Ms. Guazzo stated she feels 18 feet is too large and doubts if sales will be affected by these signs. Ms. Guazzo stated she feels 4.e should read bonafide contract rather than date of settlement and 4.f should add “or if changed by the comprehensive review of the sign ordinance”. Mr. Hayden agreed with Ms. Guazzo's statements.

Ms. McNeill made a motion to move forward with the amendment with the exception of substituting “advertising” with “off-site directional” signs and Mr. Siebert seconded. The motion passed by a 4-2 vote with Ms. Guazzo and Mr. Hayden opposed.

Digital Signs

Mr. Hayden stated a work session was held on March 16, 2009 and the Commission's comments were incorporated into the amendment. Ms. Guazzo asked if these signs would be allowed for home occupations. Ms. Chaillet stated no, home occupations are regulated in other ways. Ms. Guazzo stated she feels this amendment should specifically restrict home occupations. Ms. Guazzo stated she would like to see specific set back from residential areas requirements for these signs. Ms. Guazzo stated she does not feel the definition of animation is sufficient and added there should be a definition for shimmering and recommended shimmering not be allowed.

Mr. Lawrence stated if you limit the setback to 30 feet from a residential area you would also be restricting a home occupation from having a digital sign. Ms. Guazzo agreed. Mr. Hayden stated he is concerned placing a hard number on setbacks may restrict where the digital sign is placed. Mr. Hayden stated the goal was to supplement static signs with digital signage. Mr. Hayden recommended adding shimmering to i.6. Ms. Guazzo stated she would prefer not to have the sign on the property line.

Ms. Guazzo made a motion in the matter of the text amendment to allow electronic changeable copy signs for on-premise advertising in Chapter 65 and Chapter 90 of the

Zoning Ordinance, the Planning Commission recommends approval to the Board of County Commissioners and accepts the staff report as presented with the following corrections:

- 1. The intent is to have one on-premise freestanding sign for each business; and***
- 2. 65.3.i.1 shall add "home occupations are located and regulated in Section 51.3.113"; and***
- 3. 65.3.i.6 shall read "full motion video, shimmering, or other"***

I further move to authorize the Chairman to sign the recommendation and Mr. Siebert seconded. The motion passed by a 6-0 vote.

Ms. Guazzo made a motion to utilize and include a definition for "shimmering" in Chapter 90 under definitions and Ms. McNeill seconded. The motion passed by a 6-0 vote.

FAMILY CONVEYANCE

MSUB #08-110-055 – Lacey Family

Mr. Bowles gave an overview of the request for 1 additional lot on a private road stating there are no outstanding issues pertaining to this request. Ms. Guazzo asked which lot is being added. Mr. Trautman stated it is the lot located on the left hand side of the plat. Ms. Guazzo asked if James Road curves and goes down to lot 10. Mr. Trautman stated yes. Ms. Guazzo asked if all the lots are recorded to date. Mr. Trautman stated all but four of them are recorded lots.

Mr. Siebert made a motion in the matter of MSUB #08-110-055, Lacey Family Minor Subdivision, having accepted the staff report and having made findings pursuant to Section 30.11.4 of the Subdivision Ordinance (Criteria for Approval of a Family Conveyance), I move that the Family Conveyance subdivision plan be approved, with the condition that agreements ensuring access to, and use and maintenance of, the road shall be recorded prior to recordation of the plat and Mr. Chase seconded. The motion passed by a 6-0 vote.

CDSP #08-132-019 – Willows Road Business Park

Mr. Berry gave an overview of the request for a business park to proceed with an amendment to the Comprehensive Water and Sewer Plan stating final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval.

Ms. Guazzo stated there are no TEC comments included with this plan. Mr. Berry explained this is a concept site plan. Mr. Berry stated because the developer is moving forward with both the concept site plan and the request for a water and sewer amendment there is more detail on these plans. Ms. Guazzo stated the plan does not contain information regarding landscaping, buffering or ingress and egress detail. Ms. Guazzo stated she is not comfortable with making a decision without this information.

Mr. Michael Pierce stated the plans did go through TEC and the Department of Public Works (DPW) has reviewed the plans. Mr. Pierce stated buffering is on the site plan and DPW is already requiring a full accel/decel lane and other road improvements may be required in the future. Ms. Guazzo stated she does not see any land dedicated to the County for future improvements to Willows Road on this plan. Ms. Guazzo stated she will not vote in favor of the project without a 10 foot easement for future dedication to the County.

Mr. Pierce stated DPW mentioned only dedicating enough of an easement to meet a 60 foot right-of-way and Willows Road already has a 60 foot right-of-way. Ms. Guazzo stated an 80 foot right-of-way would be better and again asked for the 10 foot strip of land.

Mr. Evans stated he would also like to see the TEC comments and stated we should be consistent with the right-of-way widths. Mr. Evans stated if we have historically asked for 10 feet

in this area then he would not disagree, however if historically the number is more or less than 10 feet we should be consistent.

Ms. Guazzo made a motion in the matter of CDSP #08-132-019, Willows Road Business Park, 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 Ms. McNeill seconded. The motion passed by a 6-0 vote.

Ms. Guazzo made a motion in the matter of CCSP #08-132-019, Willows Road Business Park, I move having found that the objectives of Section 60.5.3 are inconclusive and move that the project be continued to April 27, 2009 and Ms. McNeill seconded. The motion passed by a 6-0 vote.

The Commission members requested a representative from the Department of Public Works and Transportation attend the April 27, 2009 meeting to answer questions.

CCSP #08-132-018 – Auto Zone

Mr. Berry gave an overview of the request for an auto zone stating final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval.

Mr. Chase asked if the other restaurants in this area are served by private well systems. Mr. Berry stated yes.

Mr. Chase made a motion in the matter of CCSP #08-132-018, Auto Zone (Charlotte Hall), having accepted the staff report and having made a finding that the objectives of Section 60.5.4 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 and Mr. Siebert seconded. The motion passed by a 6-0 vote.

DISCUSSION

School Capacity Report

Mr. Chapman gave an overview of the School Capacity Report stating to date we may approve an additional 5,942 dwellings in the high school service zone, 5,369 dwellings in the middle school service zone, 1,334 dwellings in the northern elementary school service zone, and 3,986 dwellings in the southern elementary school service zone.

Ms. McNeill asked if at the rate we are liquidating school seats will there be a carry over. Mr. Chapman stated to date it seems we have plenty of capacity to last a couple years.

Comprehensive Plan

Mr. Jackman stated we are here tonight to ask the Commission to agree to use the staff draft of the Comprehensive Plan in order to move forward to public hearing. Ms. Guazzo asked if Mr. Jackman wanted comments on all the major items tonight. Mr. Jackman stated no, we are just asking for permission to move forward to the public hearing phase.

Mr. Evans made a motion that the Planning Commission accept the staff draft of a revised Comprehensive Plan and direct the following modifications:

- 1. Complete Section 5.2 as discussed***
- 2. Complete the maps and table for the Chapter 7 appendix as discussed***
- 3. Insert the village center guidelines as provided at this meeting by staff***

4. ***Modify the boundary of the Hollywood town center to include 2 more properties to the south as illustrated in staff's April 8th memo***

I further move that:

1. ***A public hearing be scheduled for June 22, 2009 on the modified draft, to be identified as the Planning Commission public hearing draft, and***
2. ***The Chair be directed to sign a letter on behalf of the Planning Commission to transmit the public hearing draft to the Maryland Department of Planning and to other entities as required by statute***

Mr. Chase seconded and the motion passed by a 6-0 vote.

Annual Report Final Sign Off

Mr. Jackman gave an overview of the corrections made and asked that the Chairman be authorized to sign a letter forwarding the Annual Report to the Board of County Commissioners.

Ms. Guazzo made a motion to accept the 2008 Annual Report and authorize the Chairman to sign a letter forwarding the report to the County Commissioners and Mr. Chase seconded. The motion passed by a 6-0 vote.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: April 27, 2009

Stephen T. Reeves
Chairman