

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, November 24, 2008**

Members present were Steven Reeves, Chairman; Howard Thompson, Brandon Hayden Shelby Guazzo, Susan McNeill, Merl Evans, and Lawrence Chase. Department of Land Use & Growth Management (LUGM) staff present were Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Yvonne Chaillet, Zoning Administrator; 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 November 10, 2008 were approved as presented.

RESOLUTION – Mr. Shire gave an overview of the Small Wind Energy System Resolution requesting it be signed and forwarded to the Commissioners. ***Mr. Hayden made a motion in the matter of Resolution #08-17, recommended amendments to Chapters 50, 51, and 90 of the Zoning Ordinance for Small Wind Energy Systems; I move to authorize the Chairman's signature and to forward this Resolution to the Board of County Commissioners and Mr. Thompson seconded. The motion passed by a 7-0 vote.***

PUBLIC HEARINGS

Text Amendment – Digital Signs

Ms. Chaillet stated the recommendation to amend Section 65.3.6 of the Ordinance, which prohibits any movement or apparent movement of or in a sign or change in intensity of illumination of a sign, except time and temperature, to allow digital signs in accordance with Section 65.3 of the Ordinance. Ms. Chaillet stated all other signs will comply with Section 65.3.6. Ms. Chaillet stated it is also being recommended that Section 65.3, Regulations for On-Premise Signs, and Schedule 65.3, Maximum Sign Area by Districts and Sign Type. Ms. Chaillet stated the purpose of these regulations is to serve businesses who want to take advantage of the opportunities that electronic advertising offers while minimizing the adverse impact to aesthetic appearance. Ms. Chaillet read the proposed language allowed.

Mr. Reeves stated he believes text that scrolls may be distracting to drivers. Ms. McNeill stated the text changing every five seconds seems rapid and asked if there would be graphics. Ms. Chaillet stated the intent was text only. Mr. Shire stated a non-moving logo would be allowed as well as text however animation would not be allowed.

Ms. Guazzo asked how allowing digital signs would reduce the number of free standing signs. Ms. Chaillet explained that commercial developments with more than one store on a site would only be allowed one free standing digital sign.

Mr. Reeves opened the hearing to public comment. Mr. Robin Guyther submitted a letter for the record dated 10/15/08 to Denis Canavan, Director of Land Use and Growth Management. Mr. Guyther stated his client is proposing to erect a freestanding digital sign at various highway locations throughout the County. Mr. Guyther stated his client proposes to use the digital signs for business advertisements, non-profit organizations, and government agencies.

After further discussion ***Ms. Guazzo made a motion to continue the public hearing to December 8, 2008 and Ms. McNeill seconded. The motion passed by a 7-0 vote.***

DEVELOPMENT REVIEW

PSUB #08-142-012 – McKay Estates Subdivision

Mr. Bowles gave an overview of the request to remove conditions which restrict lots to occupants of 55 years and older stating there are no outstanding issues that would prevent a decision at this time.

Mr. Reeves asked if any of the lots have been sold. Mr. Bowles stated no they all belong to family. Ms. Guazzo asked if this is still considered a family conveyance. Mr. Bowles stated yes. Ms. McNeill asked if it was ever the intent to have this as a 55 and older community. Mr. Bob Trautman stated no. Ms. Guazzo stated she wants to ensure this is not setting precedence for other developments to do the same.

Mr. Evans made a motion in the matter of PSUB #08-142-012, McKay Estates Subdivision, containing 3 detached single family lots in a major subdivision that are part of a family conveyance agreement subdivision, "having accepted the staff report and having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (Criteria for Approval of a Preliminary Plan), including adequate public facilities, and compliance with the annual growth policy, as described in the Director's Report, I move that the applicant be permitted to remove General Note 31, a 55 and older restriction, from plat Liber 63, Folio 16 and I move the preliminary subdivision plan be approved and Mr. Thompson seconded. The motion passed by a 6-0-1 vote with Ms. McNeill abstaining stating she is undecided on this particular issue.

CCSP #05-132-019 – St. Mary's Marketplace

Mr. Bowles gave an overview of the request for a 121,242 square foot retail shopping center stating this concept site plan was reviewed by all the TEC agencies during their May 2005 review cycle, following a pre-application meeting held March 30, 2005. Mr. Bowles stated the concept site plan was reviewed by the Planning commission on September 8, 2008 and was continued until September 22, 2008, for a decision, at that meeting it was continued until the next meeting on October 14, 2008 and at that meeting the applicant withdrew his application, reserving the right to reapply without going back through the TEC process. Mr. Shire stated there are four outstanding issues which include the final findings for adequate public facilities, Board of County Commissioner approval of the right of way crossing, buffer yard reductions, and FDR Boulevard.

Mr. John Norris Jr. gave an overview of the 121,242 square foot development stating the Floor Area Ratio is only 19% and out of the 516 parking spaces required 504 will be provided. Mr. Norris stated the streetscape on Route 4 also provides a 15 foot wide reserve strip for future expansion of Route 4. Mr. Norris stated the entrance into the property off Route 235 will have a right in and a right out which will be located approximately 530 feet away from the Route 235, Route 4 intersection. Mr. Norris stated the entrance into the property off Route 4 will have a right in and a right out which will be located approximately 500 feet away from the Route 4, Route 235 intersection. Mr. Norris stated the primary entrance will be located on FDR Boulevard.

Ms. Guazzo stated the ownership of the triangle piece of land located between this property and the Sturbridge development needs to be resolved. Ms. Guazzo stated she would be making this a condition of approval. Ms. Guazzo stated the applicant must improve this piece of land as part of the FDR Boulevard improvements. Mr. Norris stated this is in the works now.

Mr. Michael Leinhart presented two videos showing the traffic analysis of the Route 235 and Route 4 intersection. Mr. Leinhart stated this development would be mitigating 5-7% of their impact. Ms. Guazzo asked what the level of service would be fully developed. Mr. Leinhart stated it would be a level "F", however the applicant is mitigating beyond their impact.

Mr. John Norris III stated the buffer reduction would be from a "B" buffer to a 20 foot wide "C" buffer which requires more intense plantings along FDR Boulevard. Mr. Evans stated he would rather see the "C" buffer with more intense plantings than the "B" buffer with a berm and sparse plantings. Mr. Evans stated the intense plantings actually look better and provide a better buffer.

Ms. Guazzo stated the fence along the two fronts of the property should be "child retaining" so that a small child cannot slip through the slats. Mr. Norris agreed stating a wrought iron fence with intense local plantings would be used.

Mr. John Norris Jr. stated the Bay Center will be razed and the entire piece of land bounded by Route 235 and the old railroad right-of-way will be deeded and dedicated to the Board of County Commissioners.

Mr. Leroy stated he and the Church support the development as it benefits us.

Mr. Thompson made a motion in the matter of CCSP #05-132-019, St. Mary's Marketplace, 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, with the condition that appropriate access across the County Commissioners right-of-way is approved by the Board of County Commissioners, as noted in this staff report and that the ownership of the triangle of land issue where FDR Boulevard will enter the Sturbridge property shall be resolved before the final site plan is approved, and that this triangle shall be made part of the FDR Boulevard improvements made by the applicant, and that the buffer fencing shall be child retaining, I move that the concept site plan be approved and Mr. Evans seconded. Ms. Guazzo explained this was a difficult decision to make as she believes this development is too intense for the area however the proffers outweigh the intensity especially with the dedication of the Route 4 strip of land for future widening of westbound Route 4. ***The motion passed by a 6-1 vote with Ms. McNeill opposed.***

DISCUSSION

Comprehensive Plan Update

Mr. Jackman gave an overview of the progression of the Comprehensive Plan Update stating the Planning Commission would receive the staff draft at their first meeting in January.

Mr. Chet Frederick explained the location of utility services in the Hollywood area.

2009 Planning Commission Deadlines and Meeting Schedule

The Commission discussed the 2009 schedule. Ms. Guazzo stated she objects to meeting on Easter Monday. ***Mr. Evans made a motion to accept the schedule and Mr. Hayden seconded. The motion passed by a 6-1 vote with Ms. Guazzo opposed.***

ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: December 8, 2008

Stephen T. Reeves
Chairman