

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, January 12, 2009**

Members present were Steven Reeves, Chairman; Brandon Hayden, Shelby Guazzo, Martin Siebert, Susan McNeill, and Lawrence Chase. Merl Evans was excused. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Acting Director; Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Yvonne Chaillet, Zoning Administrator; Dave Berry, Planner II; Jeanine Harrington, Planner I; and Jada Stuckert, Recording Secretary. Deputy County Attorney David Weiskopf and George Sparling, Attorney was also present.

The Chair called the meeting to order at 6:30 p.m.

APPROVAL OF THE MINUTES – The minutes of December 8, 2008 were approved as presented.

DECISION

Text Amendment – Digital Signs

Ms. Chaillet gave an overview stating she is unsure of the direction the Commission is headed with this text amendment. Ms. McNeill asked if there are any examples of non-conforming digital signs in the County. Mr. Shire stated no, none that he is aware of. Ms. McNeill stated after reading the information provided it seems other jurisdictions are looking to strengthen regulations on digital signage. Ms. Guazzo asked if Ms. Chaillet had contacted the State Highway Administration for their regulations. Ms. Chaillet stated she did not.

Ms. McNeill asked if it was clear in the ordinance that Schools, DPW&T, and Police would be exempt from the provisions of this text amendment. Ms. Chaillet stated at this time no this is not clear as the ordinance states “public service messages” are exempt. Ms. Chaillet stated the ordinance does not make specific reference to Schools, etc. Mr. Siebert asked what liabilities the County could incur from this text amendment. Mr. Siebert gave an example of a person suing the County for allowing digital signs that are distracting to drivers. Mr. Weiskopf stated he would have to research this further, however, his initial answer would be he does not think a person could sue the County for allowing digital signs.

Mr. Shire stated adopting digital sign regulations would be keeping up with the technology. Mr. Shire stated staff just needs direction as to scrolling, flashing, animation, etc. Mr. Reeves recommended postponing this text amendment until a complete revision is done on the Zoning Ordinance. Mr. Shire stated this revision is not scheduled to begin until 2010. Ms. Guazzo stated postponing the request until then is not what the County Commissioners asked us to do.

Mr. Reeves recommended restricting digital signs to public service messages and on-site businesses only. Mr. Reeves recommended no scrolling, flashing, animation etc be allowed. Ms. Guazzo stated she does not feel digital signs to be appropriate in the Village Centers as they are no urban settings.

After further discussion, ***Ms. McNeill made a motion to postpone this text amendment until a comprehensive revision of the entire sign ordinance can be achieved and Ms. Guazzo seconded. The motion passed by a 5-1 vote with Mr. Hayden opposed.***

FAMILY CONVEYANCE

MSUB #07-110-111 – Anderson Subdivision

Ms. Harrington gave an overview of the project stating there are no outstanding issues pertaining to the family conveyance approval. Mr. Reeves asked if there is a Road Maintenance Agreement for this subdivision. Ms. Harrington stated yes, there is one on file.

Mr. Hayden made a motion in the matter of MSUB #07-110-111, Anderson 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. Siebert seconded. The motion passed by a 6-0 vote.

DEVELOPMENT REVIEW

CCSP #05-132-010 – Palmira Subdivision

Mr. Berry gave an overview of the project stating there are no outstanding issues pertinent to concept site plan re-approval and the final findings of adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval.

Mr. Reeves asked about the 20 foot ingress / egress easement. Mr. Berry explained the easement is maintained for the neighbors' access to their property. Ms. Guazzo stated these parcels are land locked therefore the owner needs to make sure access is maintained. Ms. Guazzo asked if the new 2007 Stormwater Management Regulations would be used for this project. Mr. Berry stated yes.

Mr. Chase made a motion in the matter of CCSP #05-132-010, Palmira subdivision, 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 as a prerequisite for final site plan approval, and noting the applicant agrees to provide an easement to grant ingress and egress to the abutting property owners at the rear of the subject property over their existing road and that the 2007 Stormwater Management Regulations be followed, I move that the concept site plan be approved and Ms. Guazzo seconded. The motion passed by a 6-0 vote.

CCSP #07-132-005 – Cape St. Mary's Marina

Mr. Berry gave an overview of the project and stating outstanding issues include resolution of public pier issues with recreation and parks and final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval.

Ms. McNeill made a motion in the matter of CCSP #07-132-005, Cape St. Mary's Marina, 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 Ms. Guazzo seconded. The motion passed by a 6-0 vote.

CCSP #08-132-011 – McDonalds at Laurel Glen

Mr. Bowles gave an overview of the project stating final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval. Ms. McNeill asked for clarification of the location. Mr. John Norris Jr. clarified the location.

Mr. Hayden made a motion in the matter of CCSP #08-132-011, McDonald's at Laurel Glen, 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 concepts approval, I move that the concept site plan be approved and Ms. McNeill seconded. The motion passed by a 6-0 vote.

DISCUSSION

Comprehensive Plan Update

Mr. Jackman stated staff is working diligently to have a draft to the Commission at their next meeting.

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Jada Stuckert
Recording Secretary

Approved in open session:

Stephen T. Reeves
Chairman