

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, March 9, 2009**

Members present were Steven Reeves, Chairman; Brandon Hayden Shelby Guazzo, Susan McNeill, Merl Evans, Martin Seibert and Lawrence Chase. 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; 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 February 23, 2009 were approved as presented.

PUBLIC HEARINGS

Real Estate Signs

Ms. Chaillet gave an overview of the text amendment to exempt signs restrictions for signs advertising the sale of residential real property to on-site advertising only, with one sign per lot. Ms. Chaillet stated this could be considered an emergency amendment due to the economy conditions. Ms. Chaillet stated we are proposing a maximum of three signs per property within five miles from the property.

Mr. Reeves stated 18 feet tall is rather large. Ms. Chaillet stated this is currently what is allowed. Ms. McNeill asked if there are any limitations on what could be placed on the signs in terms of language or graphical content. Ms. Chaillet stated the sign must state "For Sale" and the address because it is off site however there would be no other limitations. Ms. McNeill stated she is concerned about the constitutional issues every time sign ordinances are proposed and asked for a written opinion on the proposed ordinance. Mr. Weiskopf stated this would be forwarded to the Commission.

Mr. Shire stated although the proposed text amendment was initiated by the real estate industry, the County Commissioners wanted to ensure the homeowner can also take advantage of the amendment. Mr. Reeves asked if a sunset clause could be added. Ms. Chaillet stated this could be added. Ms. McNeill asked if the County has been approached by other groups. Ms. Chaillet stated the Home Builders Association has approached the County. Ms. Chaillet stated she advised them that they were not included in the consideration of this text amendment and they would have to start the text amendment process with the County Commissioners separately.

Mr. Reeves opened the hearing to public comment. Paula Martino Government Affairs Director of the Southern Maryland Association of Realtors gave a brief background statement on the reasons for requesting the amendment. Ms. Martino stated when this change was requested at the same time as another text amendment was being considered, however the proposal was denied. Ms. Martino stated they are now back with this amendment due to the economy. Ms. Martino stated they are trying to stimulate the housing market for buyers and sellers. Ms. McNeill asked how this measure will help. Ms. Martino stated it allows us to give the buyer a chance to get to the home. Ms. Martino stated homes not located on a major road have a certain disadvantage by the privacy they currently enjoy. Ms. McNeill asked if this is more of a directional sign rather than an advertisement. Ms. Martino stated yes.

Mr. Tim Wood, President Elect of the Southern Maryland Association of Realtors, stated the current state of the real estate market is the most important reason for the proposed ordinance. Mr. Wood stated this is a rural county and many of the homes aren't located on the main highways. Mr. Wood stated in trying to find homes on the water you can drive quite a distance between properties which are actually only a few miles apart. Ms. McNeill asked why this text

amendment is needed considering all the listings posted on the internet and accessible by computer. Mr. Wood stated approximately 75% of homebuyers get their initial information on the internet and may not want to speak with a real estate professional before they get an idea of what their choices might be. Mr. Wood stated when a property shows up on a listing buyers may be interested and can choose to physically see the property or not. Mr. Wood stated as of the last day of January there were 875 properties listed for sale. Mr. Wood stated the inventory is only going down because properties have not been sold during the contract period and have been removed from the market. Ms. McNeill asked how many properties are being advertised by real estate agents versus a private seller. Mr. Wood stated in 2005, 15 to 18% of sellers were "For Sale By Owner", and today this estimate is about 10%.

Mr. Evans stated the County is in need of a comprehensive review of all sign regulations. Mr. Evans stated we need to look at this in a more comprehensive way. Mr. Wood stated the current state of the market is the reason for the text amendment.

Ms. Guazzo questioned Section 4.b and stated she would prefer to see written permission and the property owner should be allowed to choose a time limit. Mr. Wood stated the property owner is free to ask for removal of the sign at any time and this may be an unnecessary requirement. Ms. Guazzo stated for sale signs should not be the same size as tourist advertising signs. Ms. Martino stated this section already allows signs without permission from the owner and to require this would be unfair.

Ms. McNeill asked if an objection would be held if the language was corrected to read "directional signs" rather than "advertising". Mr. Wood stated this would be fine. Mr. Seibert asked what percentage of the 847 houses on the market are in foreclosure; what percentage are by realistic sellers rather than those dreaming about the market the way it was 4 or 5 years ago. Mr. Seibert asked how signs would help those who could not sell because they owe more than what the house is worth. Mr. Wood stated there are 329 houses either in foreclosure or on the way to foreclosure in St. Mary's County. Ms. Martino added 10% of the homes in Charles County which is about 176 homes are in foreclosure. Mr. Seibert stated if a sunset was established this percentage would be needed to determine when the amendment should be reversed. Mr. Wood stated he would not recommend a sunset clause however if one is implemented it should be set for 4 to 5 years.

Ms. Carolyn Guy, a licensed realtor, stated there is a difference between a realtor and a real estate agent and recommended the text amendment use the term real estate agent which is a larger category which includes realtors. Ms. Guy suggested the entire sign ordinance be reviewed. Ms. Guy stated enforcement of the sign ordinance should be fair and consistent through out the County. Ms. Guy stated to date we have to get written permission for placing signs on private property.

Ms. Guazzo stated you can't selectively give permission for some things and not for others. Mr. Weiskopf stated when the sign is content neutral there is no problem but you start having these exceptions for certain groups it becomes a slippery slope. Mr. Weiskopf stated he will prepare a written report but everything should be lumped in together all with the same regulations. Ms. Guazzo stated since "open house" signs are already allowable under the ordinance and everyone is used to then, we should just extend the period of similar directional signs 7 days per week with a sunset clause which would make things more palatable.

Ms. McNeill made a motion to close the hearing and leave the record open 10 days for written comments with decision to be made on April 13, 2009 and Mr. Seibert seconded. The motion passed by a 7-0 vote.

DEVELOPMENT REVIEW

CCSP #08-132-004 – Hotel Site

Mr. Berry gave an overview of the plan for a hotel site stating the final findings for adequate public facilities will be made administratively by the Planning Director, as a prerequisite to final site plan approval. Mr. Berry stated three (3) TDRs will be required for final approval and there are no other outstanding issues that would affect a decision this evening.

Ms. McNeill asked what the occupancy would be for this hotel. Mr. Berry stated the final design is not confirmed but he believes 50 rooms are being proposed. Ms. Guazzo asked if 5 floors and 45 feet high are logical. Mr. Hayden asked what the distance is from the AICUZ. Mr. Jackman stated it is 425 feet. Ms. McNeill asked about the buffering. Mr. Jerry Nokleby stated at this time we have not done the landscaping however there isn't much landscaping in the area. Mr. Nokleby stated we are trying to get through the concept plan phase so we can continue to work on the finalities.

Ms. Guazzo asked if the new stormwater management is being utilized. Mr. Bowles stated all projects coming before the Commission have to abide by the 2007 Storm Water Management regulations. Ms. Guazzo asked if the Navy has been consulted on this project. Mr. Evans stated this building would be consistent with the Exploration Park buildings and the Holiday Inn.

Mr. Hayden made a motion in the matter of CCSP #08-132-004, Hotel Site PC Patel, 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, I move that the concept site plan be approved and Mr. Seibert seconded. The motion passed by a 7-0 vote.

FSUB #04-120-052 – Woods at Myrtle Point Section 2 & 3

Mr. Berry gave an overview of the plan for 135 town homes stating there are no outstanding issues that would affect a decision this evening.

Ms. Guazzo stated we have given the final approval for the single-family attached houses and now we have a change in type for Sections 2 & 3 for town homes. Mr. Summers stated we would like to advertise both the single family homes and the town houses to address both markets. Ms. Guazzo stated Section 3 has over 5 units per acre and nothing for usable recreation space. Mr. Berry stated the density is calculated for the overall project and there was no requirement for a recreation area in ordinance 90-11. Ms. Guazzo asked about the setbacks. Mr. Berry stated setbacks are required but no buffer is required.

Mr. Siebert asked if the old stormwater management is being utilized. Mr. Mudd stated three different sets of stormwater management regulations are being utilized on this property. Mr. Mudd ensured the Committee the current stormwater management regulations are being followed for the current development. Mr. Mudd stated we had some issues in the first phase but have worked through those. Mr. Mudd stated we have been very involved with the Soil Conservation District.

Ms. McNeill asked for an update on the concerns of the public that were voice at the last hearing. Mr. Summers gave a brief overview. Ms. Guazzo stated she is concerned with the viewscape from Route 4. Mr. Mudd stated the right-of-way is in excess of 200 feet and is already vegetated and wooded. Mr. Mudd stated there are no plans to reduce the vegetation or to add any additional vegetation. Ms. Guazzo stated there should be plantings between the 60 foot right-of-way and the property line.

Ms. Guazzo asked how many pumping stations would be on the property. Mr. Mudd stated only one exists to date, the second will go into Section 4, and a third in Section 5 respectively. Ms. Guazzo asked if the third pumping station will be dependent upon the build out of Section 5. Mr. Mudd stated when we get to Section 1 Phase 3 we will need to get the third pumping station on line. Mr. Mudd stated this is several years away.

Mr. Seibert made a motion in the matter of FSUB #04-120-052, Woods at Myrtle Point, Sections, 2 & 3, containing 1135 lots, having accepted the staff report and having made

the following findings: of adequate facilities pursuant to Section 40.10 of Zoning Ordinance #90-11 for Stormwater management in accordance with current regulations, I move that the final subdivision plan for Sections 2 and 3 be approved and Mr. Hayden seconded. The motion passed by a 7-0 vote.

DISCUSSION

Capital Improvement Plan Presentation by Elaine Kramer

Ms. Kramer gave an overview of the Capital Improvement Plan stating the categories and priorities used to evaluate the projects in the list are similar to those used in past years. Ms. Kramer explained priority A indicates that the project should be given immediate attention and accommodated in the budget for the upcoming fiscal year. Ms. Kramer explained priority B indicates that the project should be deferred to a later year and priority C indicates that a project should never be undertaken.

Ms. Guazzo stated she would like to see a new library for Leonardtown and recommended finding some funds for this item. ***Ms. Guazzo made a motion to recommend to the Board of County Commissioners satisfaction with most of the recommended FY 2010 – 2015 Capital Improvement Plan however would recommend a sum of money be considered for insertion in FY 2011 to preserve the ability for grant applications for the Leonardtown Library; also that the Planning Commission recommends providing a new Library rather than renovating the existing Library and to allow the Chairman to sign a letter to be forwarded to the Board of County Commissioners and Mr. Siebert seconded. The motion passed by a 7-0 vote.***

PC Annual Report

Mr. Jackman gave an overview of the Planning Commission 2008 annual report. Ms. McNeill asked that the hours of Planning Commission be clarified. Mr. Hayden asked that his corrections be made to the attendance table. Mr. Evans stated it would be helpful if the Commission had time in the future to discuss land preservation due to the tobacco buy-out. Ms. McNeill asked that the economic conditions be addressed in the report.

Digital Signs

Mr. Shire announced a work session scheduled for next Monday, March 16, 2009 at 3:00 p.m. Mr. Reeves stated he may not be present.

ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: April 13, 2009

Stephen T. Reeves
Chairman