

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, May 23, 2011**

Members present were Brandon Hayden, Chairman; Shelby Guazzo, Joe Meinert, Susan McNeill, Merl Evans, Martin Siebert, and Hal Willard. Department of Land Use & Growth Management (LUGM) staff present were Derick Berlage, Director; Phil Shire, Deputy Director; Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Yvonne Chaillet, Zoning Administrator; and Dave Berry, Planner II. 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 May 9, 2011 were approved as presented.

DECISION

Chapter 50 – Use Classifications

Chapter 51 – Use Regulations and Standards

Chapter 64 – Off-Street Parking and Loading

Chapter 90 – Definitions

The Planning Commission held its public hearing on the above noted text amendments to allow a distillery on May 9, 2011. The Planning Commission closed the public hearing and left the record open for ten (10) days until May 19, 2011 to receive written comments. The Department of Land Use and Growth Management did not receive any written comments during the open record period.

Ms. Guazzo made a motion following due consideration by the Planning Commission in the consideration of staff's recommendation to amend Section 50.4, Section 51.3, Schedule 64.3.1, and Chapter 90 of Chapter 285 of the Code of St. Mary's Maryland to allow a distillery as a permitted use in the Rural Preservation District (RPD), Rural Service Center District (RSC), Village Mixed Use District (VMX), and the Town Center Mixed Use District (TMX), consideration that public hearings have been held, public testimony has been taken and having accepted the staff suggestion for a resolution contained in this evenings package, and further authorize the Chair to sign the resolution on behalf of the Planning Commission to transmit its findings and recommend positively to the Board of County Commissioners in favor of permitting distilleries in St. Mary's County with the requisite changes to the Zoning Ordinance and Mr. Seibert seconded. The motion passed by a 7-0 vote.

PUBLIC HEARING

Chapter 50 – Use Classifications

Schedule 50.4, "Use Classifications, Use Types and Location within Zoning Districts," amend the following: Under Use Type 44, Campground and Day or Boarding Camp, change the "C" to a "P" in the columns labeled RPD and CM.

Chapter 51 – Use Regulations and Standards

Section 51.3 "Specific Regulations and Standards," amend Use Type 44, Campground and Day or Boarding Camp, to show an establishment with 20 or fewer campsites as a permitted use in the RPD and CM District and an establishment with more than 20 campsites as a conditional use in the RPD and CM District.

The above noted text amendments were advertised in *The Enterprise* on April 26, 2011 and May 11, 2011. The purpose of the proposed text amendments are to change use type 44, campground

and day or boarding camp from a conditional use to a permitted use in the Rural Preservation district (RPD) and Commercial Marine (CM) District for establishments of 20 or fewer campsites.

Presenter: Yvonne Chaillet, LUGM

Chairman Hayden opened the hearing to public comment.

Mr. Don Ocker, Park Hall

Mr. Ocker stated the required open space is for recreational use like hiking trails etcetera. Mr. Ocker stated he would find it hard to believe any campsite on the water wouldn't allow campers access to the water. Mr. Ocker stated it's hard to believe you can not use part of the 100 foot buffer as usable open space. Mr. Ocker suggested the Planning Commission allow the 100-foot buffer to be used for recreational purposes.

Ms. Jackie Meiser on behalf of Timothy Dean

Ms. Meiser stated we are losing sight of the proposed text amendment tonight. Ms. Meiser stated if this text amendment is approved we are talking about taking away the opportunity for the public to participate in a use that has a significant impact on adjoining property owners. Ms. Meiser stated right now campsites are allowed only as a conditional use and part of the conditional use process a public hearing is held with the Board of Appeals. Ms. Meiser stated this is an adjoining property owners' chance to explain to the Board how they will be affected by the use. Ms. Meiser stated the Hendersons have had ample time to go through the conditional use process to receive permission to operate their campsite but have failed to go through the proper channels. Ms. Meiser requested that the Planning Commission not feel pressured to pass this text amendment solely based on the time of year.

Mr. Don Ocker, on behalf of the Henderson's

Mr. Ocker stated the Henderson's have been in the conditional use process for two years, the problem is the underlying zoning won't allow it to move forward. Mr. Ocker stated this particular text amendment is not solely based on the Henderson's request for a campsite. Mr. Ocker stated he would like to have eleven (11) acres considered and that he brought this up previously to the County Commissioner. Mr. Ocker stated he would love to open this door, but acknowledges we are focusing on the map mistake tonight.

Mr. John Norris, III; Leonardtown

Mr. Norris stated the only instances where you should be applying for a variance is when there will be a taking of your property rights whereas conditional uses are deemed consistent with the adjoining properties in the neighborhood unless you can prove it will have a different effect because of where it sits today.

Chairman Hayden closed the hearing to public testimony.

Ms. Guazzo made a motion that the Planning Commission recommend in the positive for the following resolution to the County Commissioners to amend Chapter 50.4 and Chapter 51.3 of Chapter 285 of the code of St. Mary's County Maryland to allow a campground or day or boarding camp with 20 or fewer campsites as a permitted use in the Rural Preservation district (RPD) and the Commercial Marine District (CM), having held a public hearing and having advertised two weeks in the newspaper, having received comments during the public hearing. With this resolution we further authorize the Chairman to sign the resolution. In the next resolution in the same matter is to amend Section 50.4.44 and 50.3.44 of the Chapter 285 of the Code of St. Mary's County Maryland to change use type 44 campground, from a conditional use to a permitted use in the Rural Preservation District (RPD and the Commercial Marine District (CM) for establishments of 20 or fewer campsites, again having heard public testimony, after duly publishing the times in the newspaper and also allowing that the Chairman of the Planning Commission may sign this

resolution and forward it to the County Commissioners and Mr. Meinert seconded. The motion passed by a 6-1 vote with Ms. McNeill opposed.

Amendment to the Official Zoning Maps of the St. Mary's County Comprehensive Zoning Ordinance Z-10-02 as follows:

For a portion of Tax Map 71, Grid 20, Parcel 246 (Buzz's Marina), located at 49675 Buzz's Marina Way in the 1st Election District, Ridge, Maryland: To correct a map mistake for a prior existing marina use by amending the Critical Area Overlay from Resource Conservation Area (RCA) Critical Area Overlay to Limited Development Area (LDA) Critical Area Overlay on 5.31 acres, which is the balance of that portion of the parcel that is currently zoned Commercial Marine (CM) with an RCA Overlay.

Chairman Hayden opened the hearing to public comment.

Mr. Don Ocker representing the Henderson's

Mr. Ocker stated the reality is we are here to clarify a mistake. Mr. Ocker stated this is a water dependent facility and our Ordinance says water dependent facilities can be in the RCA however the table of uses eliminates the fact that you can be located in the RCA. Mr. Ocker stated this has nothing to do with the campground issue or the issue of pending litigation; we're simply here to correct a mistake.

Ms. Jackie Meiser representing Timothy Dean

Ms. Meiser stated typically when there is a map mistake that is recognized staff will check to see if the mapping mistake affects other properties throughout the county and all mistakes will be corrected at the same time. Ms. Meiser stated this exact same mapping mistake is on several other properties within the county. Ms. Meiser stated this all seems convenient considering the previous public hearing regarding campgrounds and that campgrounds are not permitted in the RCA. Ms. Meiser requested that the record be left open for 10 days so that written comments can be received.

Chairman Hayden closed the public hearing. Ms. Veith stated the Critical Area Commission did not oppose this map amendment. The question of returning the property to the south to RCA was raised. Ms. Veith stated the Critical Area Commission may choose to trade growth allocation for the property to the south.

It was the consensus of the Commission to leave the record open for ten (10) days to receive written testimony and make a decision on the matter at their next meeting.

DEVELOPMENT REVIEW

CCSP #11-132-001 – Fair Office Park

The applicant is requesting review and approval of a concept site plan for a 7,796 square foot office building. The property contains 1.52 acres; is zoned Residential Mixed Use (RMX); and is located at 44816 Saint Andrews Church Road, California, Maryland; Tax Map 34, Grid 22, Parcel 170.

Owner: TGCJ LLC.

Presenters: David Berry, LUGM and Russel Miller, representing the owner of the property

Mr. Siebert made a motion in the matter of CCSP #11-132-001 Fair Office Park, 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, and with the understanding that this approval does not constitute approval of the reduced buffer yard, I move that the concept site plan be

approved with the following condition: 1) The applicant obtains variance approval from the Zoning Board of Appeals. Mr. Meinert seconded and the motion passed by a 7-0 vote.

**RECESS
DISCUSSION**

Briefing on Plan Maryland

Mr. Berlage provided a video to explain the Plan Maryland process.

Planning Commission Annual Report

Mr. Jackman provided the Commission with a draft of the 2010 PC Annual Report.

Mr. Meinert made a motion to approve the 2010 Planning Commission Annual Report and Mr. Evans seconded. The motion passed by a 7-0 vote.

AGP Report

Mr. Shire gave an overview of the Annual Growth Policy.

ADJOURNMENT

The meeting was adjourned at 10:09 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: June 13, 2011

Brandon Hayden
Chairman