

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, June 28, 2010**

Members present were Brandon Hayden, Chairman; Shelby Guazzo, Merl Evans, Martin Siebert, and Lawrence Chase. Mr. Meinert and Ms. McNeill were excused. 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; 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 June 14, 2010 were approved as presented.

PUBLIC HEARING

Chapter 65 Section 65.3.4.i “Electronic Changeable Copy Sign”

Mr. Berlage gave an overview of the proposed text amendment that will allow a public safety facility, which is located in the RPD and adjacent to a Development District, Town Center, or Village Center, to erect one electronic changeable copy sign (sometimes known as a “digital sign”). Mr. Siebert asked if staff has a position on this text amendment. Mr. Berlage stated staff did not note a position on the text amendment because there are arguments for and against allowing digital signs in the RPD. Ms. Guazzo asked if the 7th District and the Hollywood Fire Departments are the only two outside the growth areas. Ms. Guazzo stated there is a concern of a “creep” going on here. Ms. Guazzo stated this seems like we may be opening Pandora’s Box by allowing this.

Chairman Hayden opened the hearing to public comment.

Bill Mattingly

Mr. Mattingly stated the Hollywood VFD would like to replace their free-standing sign with a digital sign. Mr. Mattingly stated in the process of asking for a permit we learned we were in the RPD therefore began talking with LUGM and filed for the text amendment supported by Commissioner Raley. Mr. Mattingly stated we are already right on the boarder of the southbound lane. Mr. Mattingly stated we plan to use the sign to advertise annual activities and events as well as weather alerts, amber alerts, and fire prevention messages.

Chairman Hayden closed the hearing to verbal public comment. Ms. Guazzo apologized for not thinking about bringing in all the Fire Departments when they brought all the schools into the growth areas during the Comprehensive Plan revisions. Mr. Evans stated the schools being brought in were done at the request of the State. Mr. Evans asked if the property is immediately adjacent or if there is a property in between. Mr. Berlage stated to the immediate north it is adjacent. Mr. Evans asked if we can make a recommendation to the County Commissioners asking them to consider placing the Fire Department in the growth area. Mr. Siebert stated he does not feel this is simply a Hollywood issue. Mr. Siebert stated the perceived problem is this will be needed for all the Fire Departments in the County and in the RPD. Ms. Guazzo asked that while staff is reviewing this could they please consider the rescue squads, etc.

Chairman Hayden left the written hearing record open for ten (10) days to receive additional comments and that a decision will be made at the July 12, 2010 meeting.

DEVELOPMENT REVIEW

CCSP #07-132-003 – Lexington Village

Mr. Berry gave an overview of the request for a re-review of a concept site plan for a revised landscaping and buffer yard plan stating Board of Appeals approval of a variance from buffer yard regulations is required.

Ms. Guazzo stated when we approved the concept plan back in June 2007, Mr. Cohen stated the use would be commercial retail and asked if this is what has happened. Mr. Berry stated yes, there are several pad sites available as only one is currently being used and now holds Kohl's. Mr. Evans asked if we have a sense of what the applicant means by an ornamental fence.

Ms. Guazzo read a paragraph out of the Planning Commission and Board of Appeals Training Manual for the record. "Maryland courts have defined the conditions under which a variance may be granted. A variance may be granted for cases in which the applicant faces an undue hardship and features or circumstances that are unique and not generally shared by other property owners in the same zoning district. The unique circumstances must not be self imposed or self created by the applicant and the granting of the variance must not confer special privileges that would be denied to other property owners in the same zoning district." Ms. Guazzo stated she is concerned that this request is not in the true spirit of a Board of Appeals variance and explained she would have a hard time voting in favor of this request. Mr. Seibert argued it is not the job of the Planning Commission to determine what is and what is not appropriate for the Board of Appeals to review for a variance.

Mr. Evans stated he is not opposed to coming up with a buffer that is aesthetically pleasing without running a solid 6 foot fence down the property line. Mr. Longmore stated the applicant originally placed the fence and realized the fence did not look good at all and was removed while the applicant contacted staff. Mr. Longmore stated the applicant did appear before the Board of Appeals on April 22, 2010 and sent the request back to staff to see if it required Planning Commission re-approval due to the change to the site plan. Mr. Longmore explained the applicant is willing to place a "C" type buffer which is more intense as well as a two (2) foot berm and a six (6) foot black metal fence.

Mr. Seibert made a motion in the matter of CCSP #07-132-003, Lexington Village, having accepted the staff report, I move that the revised landscaping and buffer yard plan be approved contingent upon Zoning Board of Appeals variance approval and Mr. Chase seconded. The motion passed by a 4-1 vote with Ms. Guazzo opposed.

CCSP #10-132-009 – Lexington Park Volunteer

Mr. Berry gave an overview of the request for a 14,420 square foot Volunteer Rescue Squad Building 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 made a motion in the matter of CCSP #10-132-009, Lexington Park Volunteer Rescue Squad, 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. Evans seconded. The motion passed by a 5-0 vote.

DECISION

Draft Zoning Maps and Comprehensive Zoning Ordinance Text

Mr. Jackman gave an overview of the finishing touches added to the Draft Ordinance following the last work session. Mr. Jackman stated and gave an overview of additional information that was inadvertently omitted however will be included with the Resolution in an errata. Ms. Guazzo

stated she thought we would be addressing the seven comments in regards to the Chamber of Commerce. Mr. Berlage stated the recommended responses are included.

Mr. Seibert made a motion that the St. Mary's County Planning Commission transmit to the Board of County Commissioners its recommendation for repeal and re-adoption of the St. Mary's County Comprehensive Zoning Ordinance and Subdivision Ordinance, as specified in the instruments dated and accepted this June 28, 2010 as Attachments A (Zoning Ordinance Text), B (Zoning Ordinance Maps), C (Subdivision Ordinance), and D (an errata page directed by the Planning Commission, listing specific revisions not included in said Attachments). I further move that the Chair be authorized to sign a resolution to convey this recommendation to the Board of County Commissioners and Ms. Guazzo seconded. The motion passed by a 5-0 vote.

Mr. Berlage thanked the LUGM staff for all their hard work throughout this process. Mr. Hayden thanked LUGM staff as well.

DISCUSSION

None

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Jada Stuckert
Recording Secretary

Approved in open session: July 12, 2010

Brandon Hayden
Chairman