



PLANNING COMMISSION MEETING
Minutes of February 1, 2021 6:00 p.m.
Teleconference
La Plata, Maryland 20646

The Charles County Planning Commission held its regularly scheduled meeting virtually via Microsoft Teams on Monday, February 1, 2021 at 6:00 p.m.

The following persons were present:

Wayne Magoon, Chairman
William Murray, Vice Chair
Robin Barnes, Interim Secretary
Dawud Abdur-Rahman
Angela Sherard
Kevin Wedding
Elizabeth Theobalds, Deputy County Attorney
James Campbell, Planning Director
Heather Kelley, Program Manager
Kirby Blass, Planner III
Melissa Hively, Clerk

1. Call to Order:

The Chair called the virtual meeting to order at 6:00 p.m. with six (6) members in attendance.

2. Approval of the Agenda:

A **MOTION** was made by Mr. Barnes to approve the agenda, which was **SECONDED** by Mr. Murray. The vote was unanimous, and the **MOTION** passed.

3. Approval of the Minutes:

1. November 16, 2020 Minutes

A **MOTION** was made by Mr. Wedding to approve the Minutes, which was **SECONDED** by Mr. Barnes. The vote was unanimous, and the **MOTION** passed.

2. December 7, 2020 Open Session Minutes

A **MOTION** was made by Mr. Wedding to approve the Minutes, which was **SECONDED** by Ms. Sherard. The vote was unanimous, and the **MOTION** passed.

3. December 7, 2020 Closed Session Minutes

A **MOTION** was made by Mr. Wedding to approve the Minutes, which was **SECONDED** by Ms. Sherard. The vote was unanimous, and the **MOTION** passed.

4. January 4, 2021 Minutes

A **MOTION** was made by Mr. Abdur-Rahman to approve the Minutes, which was **SECONDED** by Mr. Barnes. The vote was unanimous, and the **MOTION** passed.

5. January 25, 2021 Minutes

A **MOTION** was made by Mr. Wedding to approve the Minutes, which was **SECONDED** by Ms. Sherard. The vote was unanimous, and the **MOTION** passed. Mr. Barnes and Mr. Abdur-Rahman abstained as they were not present at the January 25, 2021 meeting.

4. Chairman's Comments:

Mr. Magoon commented briefly on the continuing public health crisis and encouraged all to remain safe and healthy.

5. Personal Appearances:

None

6. Public Hearings:

None

7. Public Meeting:

Worthington Phases 3 & 4, Revision #4, PLREV-200018

Prior to the Staff presentation, Ms. Sherard disclosed that a resident from the Worthington subdivision contacted her seeking help with the subject development, before learning the Revision was scheduled on a Planning Commission agenda. When the resident explained that the purpose of the conversation was to seek help with a conflict between the developer and the residents of the subdivision, Ms. Sherard referred that person to Mr. Rice with the Planning Division. She stated that the conversation between her and the resident remained appropriate, and that she believed there were no ethical issues to address. None of the Planning Commission members objected to her participation based on her disclosure.

Staff presented an overview of the Revision to the Preliminary Subdivision Plan. After the staff presentation, the Planning Commission asked several questions. Next, by way of testimony, the Applicants presented to the Planning Commission and answered several questions.

A **MOTION** was made by Mr. Barnes to enter into a Virtual Closed Session to consult with counsel to obtain legal advice in accordance with § 3-305(b)(7) of the Maryland Open Meetings Act, which was **SECONDED** by Mr. Wedding. The vote was unanimous, and the **MOTION** passed.

Closed Session Summary:

The Virtual Closed Session began at 7:26 p.m. with Ms. Theobalds, Mr. Campbell, Ms. Hively, and all six (6) Planning Commission members in attendance.

3-305(b)(7) Legal: The Planning commission received advice on their legal role in the pending request.

A **MOTION** to end the Virtual Closed Session was made by Mr. Barnes, which was **SECONDED** by Ms. Sherard. The vote was unanimous, and Closed Session concluded at 7:47 p.m.

The Virtual Open Session resumed at 7:52 p.m.

The Worthington Public Meeting resumed with public comment, during which time four (4) members of the public voiced comments on the pending request.

The Planning Commission then posed several questions to Staff and a number of additional questions to the Applicants.

A **MOTION** was made by Mr. Barnes to deny the Applicant's request on the grounds that: (1) it is contrary to good public policy for the Applicant to request changes to the approved Preliminary Subdivision Plan after applying for a permit that is inconsistent with the currently approved Preliminary Subdivision Plan; and (2) inconsistencies with the Development Services Permit, which was **SECONDED** by Ms. Sherard. A roll call vote was taken, and results were as follows:

- Mr. Abdur-Rahman – Yes
- Mr. Barnes – Yes
- Mr. Murray – Yes
- Ms. Sherard – Yes
- Mr. Wedding – Yes
- Mr. Magoon – Did not vote

The vote was unanimous, and the **MOTION** passed. (Mr. Magoon, as chair, did not vote as his vote would not have affected the outcome of the vote.)

8. Work Session:

None

9. Unfinished Business:

Briefing: ZMA #20-01, Wintergreen (RC to CV)

Staff presented a brief overview of a proposed Zoning Map Amendment and announced that a Public Hearing will be scheduled for an upcoming Planning Commission meeting.

10. New Business:

None

11. Director's Report:

Mr. Campbell provided a brief overview of upcoming items and answered questions posed by Planning Commission members regarding the progress of updates to the Zoning Ordinance.

12. Adjournment:

A **MOTION** to adjourn the meeting was made by Mr. Barnes, which was **SECONDED** by Mr. Abdur-Rahman. The vote was unanimous, and the meeting adjourned at 8:58 p.m.

Robin Barnes

Robin Barnes (Mar 1, 2021 21:21 EST)

Robin Barnes, Interim Secretary

Melissa Hively

Melissa Hively (Mar 2, 2021 09:18 EST)

Melissa Hively, Clerk