



PLANNING COMMISSION MEETING
Minutes of September 21, 2020 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, September 21, 2020 at 6:00 p.m.

The following persons were present:

Wayne Magoon, Chairman
William Murray, Vice Chair
Rick Viohl, Secretary
Dawud Abdur-Rahman
Angela Sherard
Kevin Wedding
Elizabeth Theobalds, Deputy County Attorney
Jason Groth, Deputy Director of PGM
James Campbell, Planning Director
Charles Rice, Assistant Chief of Planning
Heather Kelley, Program Manager
Ben Yeckley, Planner III
Melissa Hively, Clerk

Not Present:

Robin Barnes

1. Call to Order:

The Chair called the virtual meeting to order at 6:08 p.m. with seven (7) members in attendance.

2. Approval of the Agenda:

A **MOTION** was made by Mr. Murray to adjust the agenda so that the Work Session was heard before the Public Hearing, which was **SECONDED** by Ms. Sherard. The vote was unanimous, and the **MOTION** passed. A **MOTION** was made by Mr. Murray to adjust the agenda to include a Closed Session at the end of the meeting, which was **SECONDED** by Mr. Wedding. The vote was unanimous, and the **MOTION** passed. A **MOTION** was made by Mr. Abdur-Rahman to approve the Agenda as amended, which was **SECONDED** by Mr. Viohl. The vote was unanimous, and the **MOTION** passed.

3. Approval of the Minutes:

None

4. Chairman's Comments:

None

5. Personal Appearances:

None

6. Public Meeting:

None

7. Public Hearings:

Proposed Rural Legacy Area in Nanjemoy

Staff presented a brief overview of the proposed Rural Legacy Area.

For the public hearing, three (3) members of the public voiced comments on the proposed Rural Legacy Area.

Next, the Planning Commission asked several questions. A **MOTION** was made by Ms. Sherard to hold the record open for two (2) weeks, which was **SECONDED** by Mr. Abdur-Rahman. The vote was unanimous, and the **MOTION** passed.

The record shall remain open until 4:30 p.m. on Friday, October 2, 2020. All comments are to be submitted to the Clerk for the Planning Commission.

8. New Business:

Briefing: ZTA #19-154, Single-Family Attached Residential Standards

Staff presented a brief overview of a proposed amendments to Chapter 297 of the Charles County Zoning Ordinance and announced that a Public Hearing had been scheduled for the October 5, 2020 Planning Commission meeting. The Planning Commission asked several questions.

9. Work Session:

Proposed Changes to § 297-258 and the Adequate Public Facilities (APF) Manual

Prior to the start of the Work Session, Mr. Murray addressed a public comment that the Planning Commission had received which appeared to reference him and his involvement in a development project. Mr. Murray stated that he believed there was no bias as the project is in the Town of La Plata and therefore is not subject to adequate public facilities regulations within Charles County, to which Mr. Magoon expressed his agreement. Next, Mr. Viohl disclosed that he is a board member for Conservancy for Charles County, which is a member of The Smarter Growth Alliance for Charles County (SGACC). Mr. Viohl stated that Conservancy for Charles County had not reviewed the comments that were submitted by

SMAGC and that he believed he could be fair and impartial in his consideration of the proposed changes.

Next, Staff presented a brief overview of the follow-up items requested by the Planning Commission during the initial Public Hearing. The Planning Commission then asked several questions.

A recess was called at 8:21 p.m., and the meeting resumed at 8:33 p.m.

After additional questions were addressed, a **MOTION** was made Mr. Wedding to accept the changes proposed to § 297-258 and the Adequate Public Facilities with several stipulations. Ms. Sherard summarized the suggestions and concerns shared by the Planning Commission members during deliberation and asked Mr. Groth to confirm he was able to document them accordingly. In response, Mr. Groth read the following summary:

The Planning Commission has made a Motion to recommend approval of the proposed changes based on the finding that the policy, in concept, is supportive of the goals and objectives of the 2016 Comprehensive Plan; however, the Planning Commission would like to raise the following concerns to the County Commissioners' attention moving forward: (1) a need for a financial plan and/or budgetary mechanism that keeps pace with the demand of growth that will fund schools and help facilitate the Capital Improvement Program (CIP); (2) the potential situation of adequate capacity is not being exceeded by growth that is being allowed by the sunset provision and to consider the use of Developer Rights and Responsibilities Agreements (DRRA); (3) the Planning Commission's recommendation that the County Commissioners continue collaborating with the Board of Education; and (4) the development of a policy supportive of Affordable Housing to meet the goals and objectives of the 2016 Comprehensive Plan.

Mr. Wedding amended his **MOTION** to add the word "Manual" so that both § 297-258 and the Adequate Public Facilities (APF) Manual were recommended for approval with Mr. Groth's summary serving as his list of stipulations. Following a discussion, Ms. Sherard **SECONDED** the **MOTION**. The vote was unanimous, and the **MOTION** passed. Mr. Groth shall provide final language of the recommendation memo to the Planning Commission members within forty-eight (48) hours for their approval.

Mr. Abdur-Rahman requested that Staff produce flowcharts to help communicate the various processes and how they relate to each other. Mr. Groth agreed to produce such flowcharts once the processes were finalized. A request was made to have the memo, questions asked by the Planning Commission members, and responses posted for the public.

10. Unfinished Business:

None

11. Director's Report:

Mr. Campbell expressed his appreciation of the Planning Commission's deliberation of topics brought before them for consideration.

12. Closed Session:

A **MOTION** was made by Ms. Sherard to enter into a Closed Session to (1) consult with counsel to obtain legal advice in accordance with § 3-305(b)(7) of the Maryland Open Meetings Act; and (2) to consult with staff, consultants, or other individuals about pending or potential litigation in accordance with § 3-305(b)(8) of the Maryland Open Meetings Act. The **MOTION** also specified that the meeting would adjourn in Closed Session, which was **SECONDED** by Mr. Murray. The vote was unanimous, and the **MOTION** passed. The Closed Session began at 9:35 p.m. with Ms. Theobalds, Mr. Campbell, Ms. Hively, and all present Planning Commission members attending. The Closed Session concluded at 9:44 p.m.

13. Adjournment:

Open Session concluded at 9:30 p.m., and the meeting adjourned at the conclusion of Closed Session at 9:44 p.m.

Rick Viohl

Rick Viohl (Nov 3, 2020 14:04 EST)

Rick Viohl, Secretary

Melissa Hively

Melissa Hively (Nov 3, 2020 08:21 EST)

Melissa Hively, Clerk

2020- 9-21 PC Minutes (AMENDED WITH MOTION)

Final Audit Report

2020-11-09

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