

PLANNING COMMISSION MEETING

Minutes of April 9, 2018 6:00 p.m.

**County Commissioners Meeting Room
La Plata, Maryland 20646**

The Charles County Planning Commission held its regularly scheduled meeting on Monday, April 9, 2018 at 6:00 p.m. in the Charles County Government Building, La Plata, Maryland.

The following persons were present:

Angela Sherard, Chairman
Rosemin Daya, Secretary
Buddy Bowling
Nancy Schertler
Rick Viohl
Wayne Magoon
Elizabeth Theobalds, Deputy County Attorney
Jessica Andritz, Associate County Attorney
Steve Kaii-Ziegler, Director of Planning and Growth Management
Christina Pompa, Deputy Director of PGM
Jason Groth, Director of Planning
John Mudd, Assistant Chief of Planning
Charles Rice, Program Manager
Heather Kelley, Program Manager
Amy Blessinger, Planner III
Sheila Geisert, Acting Clerk

Absent:

Vicki Marckel

1. Call to order:

The Chairman called the meeting to order at 6:10 p.m. with a quorum of six members.

2. Approval of the Agenda:

Chairman Sherard proposed a change to the agenda. The Board will not review the Planning Commission Rules and Procedures. Instead the Board's legal council will instead provide a brief status of cases in the appeal process.

Mr. Bowling made a **MOTION** that the amended agenda be approved; and it was **SECONDED** by Mr. Magoon and approved unanimously.

3. **Approval of the Minutes:**

Minutes of the February 26 meeting were not approved pending clarification of a question raised by a Commission member.

4. **Chairperson's Comments:**

Chairperson Sherard apologized for the delayed start of the meeting. Members of the board were delayed due to traffic accident on US 301.

5. **Personal Appearances:**

Mr. Ken Hastings, of Mason Springs Conservancy; upon hearing the revision to the agenda would include the status of cases to be heard by the Board of Appeals, removed his request to speak.

6. **Public Hearing:**

A. **ZTA #17-147, Revisions to CER Zone**

Proposed amendments to the Zoning Ordinance to revise the following standards in the CER Zone:

1. Reduce the minimum rear yard requirement from 50 feet to 20 feet for the Commercial Use category (#6.00.00); and
2. Eliminate the minimum two-story requirement for the Service-Oriented Commercial (#5.00.000) and Commercial (#6.00.000) use categories.

The Bryans Road Town Center Core Mixed-Use zones were adopted in 2005 as part of the implementation of the 2001 Bryans Road-Indian Head Sub-Area Plan. This Plan's central focus is a compact, mixed-use, high-density, pedestrian-friendly Town Center. The Town Center Core Mixed-Use zones consist of two mixed-use zones, the Core Retail Residential (CRR) and Core Employment Residential (CER), and the Core Mixed Residential (CMR), a mostly residential zone. Included among the objective of these Town Center zones as codified under §297-95 was the creation of mixed-use areas that encourage infill and redevelopment; facilitation of compact, moderate to high density development; and reinforcement of streets as public places that encourage pedestrian and bicycle travel. In addition, the specific objective of the CER Zone, per §297-95 is to "provide for development which successfully integrates a mixture of complementary land uses

that are primarily employment and residential but may also include retail, commercial services and civic uses, to create economic and social vitality and encourage the linking of transportation and land use”. Residential densities of up to 15 units per acre are permitted in this zone, with the use of Transferable Development Rights (TDRs). The minimum two-story requirement was included in this zone to facilitate this higher density and town center pattern of development envisioned by the Sub-Area Plan. However, there have been more recent County policy changes that substantially impact Staff reviewed ZTA #17-147 and had no objection to the proposed amendments to eliminate the two-story minimum requirement for Service-Oriented Commercial (5.00.000); and Commercial (6.00.000) uses and to reduce the minimum rear yard requirement from 50 feet to 20 feet for Commercial (6.00.000) uses in the CER Zone.

Staff recommended approval of the subject Zoning Text Amendment. The Planning Commission members asked several questions of staff regarding the existence of the CER zone in other parts of the County; the uses associated with the CER; the purpose of the height/maximum building story requirement; and whether this text amendment would better achieve the objective of the core mixed use. The Planning Commission then asked several questions of the applicant who is seeking the text amendment. At the end of the discussion, Ms. Sherard noted that there were no speakers signed up to speak at the public hearing for the text amendment, therefore a motion was made by Ms. Schertler to keep the record open for 30 days (May 9th). and was seconded by Mr. Magoon and was approved unanimously.

7. Public Meetings:

None

8. Work Session:

A. Addendum to the Fiscal Year 2019-2023 Capital Improvement Projects for BOE Security Enhancements.

Presenter: Jason Groth, (Director of Planning)

After staff presentation and several questions, A **MOTION** was made by Mr. Bowling to add one additional project to the letter signed by Chairperson Sherard increasing the total Capital Improvement Projects recommended for

funding in the 2019-2023 fiscal year to 34. A **SECOND** was made by Ms. Daya. The vote was all in favor. The **MOTION** was approved unanimously.

In addition, Mr. Bowling made a **MOTION** that a letter to the Board of Education and the County Commissioners be prepared recommending the submittal of applications requesting grant funds from the Department of Homeland Security and the State of Maryland for payment of additional security for all Charles County public schools. This should also include security for the portable classrooms. This **MOTION** was **SECONDED** by Mr. Magoon. The vote was all in favor. The **MOTION** was approved unanimously.

9. Old Business:

A. Review of Planning Commission Rules and Procedures (PCRP):
Chairman Sherard proposed the review of the removed PCRP and discuss instead at the April 23rd meeting. There was no objection from the Planning Commission members.

B. Status of Cases under Appeal

Ms. Theobalds was asked to provide an update of the cases in which the Planning Commission's decision has been appealed to the Board of Appeals and any subsequent actions.

The plan known as the Guilford preliminary subdivision plan was also appealed to the Circuit Court seeking a judicial review of the decision of the Board of Appeals. The case has been scheduled for hearing on June 30, 2018 and is on the docket as "In the Matter of MJM Charles LLC Case number: 08-C-17-000401."

The plan known as Washington's Discovery was appealed to the Circuit court seeking a judicial review of the decision of the Board of Appeals. In these matters, the court's role is limited to determining whether there was sufficient evidence on the record to support the agency's factual findings and to determine if the administrative decision is premised upon an erroneous conclusion of law. The case has been scheduled for hearing on July 25, 2018 and is docketed in the Circuit Court as "In the Matter of G. Croft, LLC Case number: C-08-CV-17-000370."

10. New Business:

**A. Briefing on Department of Planning and Growth Management
Reorganization**

Director Steve Kaii-Ziegler, presented the changes Planning and Growth Management to the members of the Planning Commission starting with:

Jason Groth, Director of Planning;
John Mudd, Assistant Chief;
Charles Rice, Program Manager;
Heather Kelley, Program Manager; and
Cyndi Bilbra, Program Manager.;
continuing in his position are:
Mark Williams, Chief of CPIS; and
Jeffry Barnett, Chief of Transit.

A Commission member asked for clarification of the Commission's appropriate point of contact within the Department under the new organizational structure. Mr. Kaii-Ziegler advised that Ms. Geisert will continue to be the Commission's contact. A Commission member also asked if the County had any plans to use drones for zoning enforcement in the future. Mr. Kaii-Ziegler said that funding for drones had been requested. Mr. Kaii-Ziegler also stated that staff would be providing the Commission members with a presentation on the impending Energov permit tracking system in the future.

Ms. Schertler asked if an organizational chart be forwarded to the board. Mr. Kaii-Ziegler advised the chart will be forwarded as requested.

B. Briefing on Comprehensive Plan Implementation

Director Kaii-Ziegler advised the Planning Commission that the stated timeline for the for-implementation items listed the 2016 Comprehensive Plan were found to be unrealistic. He proposed that Planning staff would prepare and present, to the Planning Commission, a revised timeline for consideration. He also stated that once the zoning code re-write was completed, staff would deliver a complete revised zoning ordinance document for review rather than in pieces. Mr. Viohl asked if a discussion has been held with the County Commissioners? Mr. Kaii-Ziegler advised the Planning Commission is the first to be introduced to this information.

Ms. Schertler questioned whether the Planning Commission should be considering Zoning Amendments until the process is complete? Mr. Kaii-Ziegler stated that he did not see any inherent issues in continuing to review and process the zoning amendments such as the amendment heard earlier this evening. The chairperson asked if there was a way to present the implementation to the board in chunks rather than submit the complete ordinance. Mr. Kaii-Ziegler reminded the board that the many components of the plan are intertwined which requires the document be completed to ensure consistency and continuity throughout the document.

C. Initiation of Amendment to the Charles County Comprehensive Plan

A Mineral Resources Element was not included in the final approved document known as the 2016 Charles County Comprehensive Plan. Staff requested the Planning Commission allow the document to be forwarded to the State Clearinghouse for the review process. Director Kaii-Ziegler and Mr. Rice responded to questions asked by the Planning Commission.

A **MOTION** was made by Mr. Bowling to submit the Mineral Resources Element of the Comprehensive Plan to the State Clearinghouse. This was **SECONDED** by Ms. Daya. The vote was all in favor. The **MOTION** was approved unanimously.

D. A commission member asked staff for clarification on grandfathering criteria for extensions for subdivision plans. Specifically, given that applicable ordinances and regulations have changed, can a preliminary plan continue to be grandfathered from the provisions of SB236 if the project has not met the State's two (2) part test to claim a vested right? Staff will take a close look at the question of preliminary plan approvals and extensions, the validity of the plan, and how it applies to subdivisions under SB236 and report back to the commission, to ensure we follow the law.

E. Briefing on Status of Preliminary Subdivision Plan Extension Requests
Ms. Kelley stated the following:

Between December 13, 2013 and May 3, 2017 there were 92 active approved preliminary plans. They were broken down into the following:

19 were voided;
23 were 25% complete provision;
34 were pending extension for approval; and
16 active approved plans for which extensions are not yet
required.

Presenters: John Mudd, Assistant Chief of Planning
Heather Kelley, Program Manager

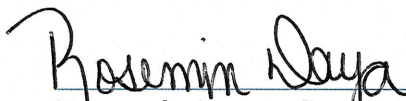
Chairman Sherard questioned if the Planning Commission would be
provided with a list of the 34 pending extensions (with associated statutes)
for the next meeting.

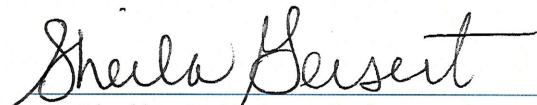
11. Director's Report:

None

12. Adjournment:

A **MOTION** was made by Mr. Magoon and **SECONDED** by Ms. Schertler
to adjourn the meeting. The vote was all in favor. The **MOTION** was
approved unanimously. The meeting adjourned at 8:25 p.m.


Rosemin Daya, Secretary


Sheila Geisert, Clerk