

La Plata Planning Commission  
Town Hall, La Plata, Maryland  
January 7, 2003, 7:00 PM

Present: Walter T. Sollars, Jr., Garyton C. Echols, Jr., Keith A. Hettel, C. Keith Back, Roy G. Hale - Commission Members; Douglas R. Miller, Town Manager; Steven F. Schroeder, Project Manager; Judith T. Frazier, Town Clerk

Guests: (See roster.)

Minutes:

Vice Chairman Sollars called the meeting to order at 7:00 PM and read the agenda. Mr. Miller amended the agenda to delete item #9 (Agricopia Section 3 final plat) and add "Baldus Rebuild Presentation." Vice Chairman Sollars asked Mr. Hale to lead the Commission and audience in reciting the Pledge of Allegiance.

#### Approval of December, 2002 minutes

Mr. Hettel made a motion to approve the minutes of the December, 2002 meeting. Mr. Hale seconded the motion and it passed by unanimous vote.

#### Election of Chairman and Vice Chairman

Vice Chairman Sollars called for nominations for Chairman. Mr. Hale nominated Keith Back, Mr. Echols seconded the nomination, and the vote was unanimous to elect Keith Back Chairman of the Planning Commission.

Chairman Back called for nominations for Vice Chairman. Mr. Hettel nominated Mr. Echols, Mr. Sollars seconded the nomination, and the vote was unanimous to elect Mr. Echols Vice Chairman of the Planning Commission.

#### Agricopia preliminary plat: request for bonus density

Mr. Miller briefly explained that bonus density is being requested for Agricopia Parcels 3 and 6.

Gore Bolton and R. J. Earnshaw presented their request for bonus density, noting that the Town Code requires that a bonus density request be made at the time of the preliminary plan approval. They requested the maximum bonus density allowed pursuant to §191-25.2F.(2)(b) and (c).

During the discussion which followed, the Planning Commission indicated they were not convinced that the maximum bonus density should be granted, especially as to §191-25.2F.(2)(b). They agreed that a work session should be scheduled to discuss this further with Mr. Bolton and Mr. Earnshaw.

Chairman Back asked for a motion on the first bonus density request [under §191-25.2F.(2)(b)]. Mr. Echols made a motion to table this request until more information is obtained. Mr. Sollars seconded the motion and it carried.

Chairman Back asked for a motion on the second bonus density request [under §191-25.2F.(2)(c)].

Prior to a motion being made, Mr. Hettel questioned what guarantee the Town would have that this subdivision would be developed as planned if this developer sells the project in the future. Mr. Earnshaw noted that a development agreement could be signed regarding the entire development, which would be recorded in Land Records and would bind with the land. Following a brief discussion, Mr. Miller suggested that the Commission discuss these issues at the work session which is to be scheduled for the Commission, developer and engineer, that the Commission table this preliminary plat for this meeting and move on to Agricopia Section 2 final plat, as Mr. Earnshaw is ready to begin work in Section 2.

Chairman Back asked for a motion to table the preliminary plat and schedule a work session to discuss the bonus density and development agreement issues. Mr. Hale made the motion to so do. Mr. Hettel seconded the motion and it carried by unanimous vote.

#### Agricopia Section 2 final plat

Mr. Miller briefly explained this 46-lot section was a continuation of the existing single family detached dwellings development, noting a minor drafting error where public land has been labeled open space. Mr. Bolton displayed the plat and provided a brief overview.

Following a brief discussion, Chairman Back asked for a motion on Agricopia Section 2 final plat. Mr. Sollars made a motion to approve the final plat of Agricopia Section 2, conditional upon correcting the minor drafting error noted by the Town Manager. Mr. Hettel seconded the motion and it carried by unanimous vote.

Chairman Back called for a 5-minute recess. The meeting reconvened at 8:45 PM.

#### Baldus Rebuild Presentation

Carl Baldus and Larry Abell made a brief presentation of the Baldus building planned for the intersection of Charles Street and Crain Highway, noting it complies with the Vision Plan. They also pointed out that the bank drive-through was on the south side of the building. The Commission again complimented them on the beautiful design, noting it was a classic example of building back bigger and better.

Public hearing: Ordinance 02-20 Design Review - For the purpose of defining certain terms; requiring review, comment and approval by the Design Review Board for certain projects in the C-B Central Business District before certain permits may be issued; providing that certain decisions of the Design Review Board may be appealed to the Board of Appeals by certain persons, and, thereafter, to the Circuit Court for Charles County; setting forth the powers, duties, purpose, jurisdiction, appeal process and enforcement provisions granted to the Design Review Board; providing that certain provisions of this Ordinance do not become effective until the Town has adopted Community Design Guidelines; and matters generally relating to the Design Review Board.

Chairman Back called the hearing to order. Mr. Miller noted for the record that the notice of the hearing was properly advertised in the December 20, 2002 edition of the Maryland Independent newspaper, and provided a brief description of the ordinance.

Chairman Back asked if anyone wished to speak.

Larry Abell commented on §191-7C., noting he believed that uninhabitable areas should not be included in the calculations for required parking spaces.

Chairman Back asked if anyone in the audience wished to speak for or against the ordinance. No one else wished to speak. Chairman Back closed the hearing.

Recommendation: Ordinance 02-20 Design Review

During the discussion on this ordinance, Mr. Echols pointed out that item 1 on page 4 deals with specific timing but does not specify when the Board's decision will be made known to an applicant. He noted he had personal experience of this taking a very long time, and further noted he could not support this ordinance without provision being made to specify when the Board's decision will be made known to the applicant. Mr. Miller agreed this was a good point but noted that only the text in all capitals was part of the amendment under consideration by Ordinance 02-20.

Following this discussion, Chairman Back asked for a motion on Ordinance 02-20. Mr. Hale made a motion to recommend approval of this ordinance to the Mayor and Council. Mr. Sollars seconded the motion. Vote on the motion: Chairman Back, Mr. Sollars, Mr. Hettel and Mr. Hale voted aye; Mr. Echols voted nay. The motion passed by majority vote.

Public hearing: Ordinance 02-22 Setback-Urban Highway Characteristics - For the purpose of establishing and defining the required setback of structures in a particular area of the Commercial Highway District zone, where the properties in that district are abutting properties in the Central Business District zone; and all matters generally relating to said setback requirements.

Chairman Back called the hearing to order. Mr. Miller noted for the record that the notice of the hearing was properly advertised in the December 20, 2002 edition of the Maryland Independent newspaper, and provided a brief description of the ordinance.

Chairman Back asked if anyone wished to speak.

Carl R. Baldus, Jr., P.O. Box 1068, La Plata, commented that his rebuilding project is sited on land zoned half CB and half CH, and noted that the previous building was sited 15' back from the lot line.

Chairman Back asked if anyone in the audience wished to speak for or against the ordinance. No one else wished to speak. Chairman Back closed the hearing.

Recommendation: Ordinance 02-22 Setback-Urban Highway Characteristics

During the discussion on this ordinance, Mr. Hale remarked that the Planning Commission had previously expressed concern regarding a safety issue of accidents involving vehicles jumping a curb and striking a building. Mr. Miller remarked that he checked with Chief Gittings, who was not aware of any accidents past the 15' setback.

Following this discussion, Chairman Back asked for a motion on Ordinance 02-22. Mr. Hettel made a motion to recommend approval of this ordinance to the Mayor and Council. Mr. Sollars seconded the motion and it passed by unanimous vote.

Public hearing: Ordinance 02-23 Dwellings in C-B Central Business District - For the purpose of allowing dwellings in the C-B Central Business District, subject to certain conditions; specifying the conditions under which those dwellings may be allowed in the Central Business District zone; and all matters generally relating to said setback requirements.

Chairman Back called the hearing to order. Mr. Miller noted for the record that the notice of the hearing was properly advertised in the December 20, 2002 edition of the Maryland Independent newspaper, and provided a brief description of the ordinance.

Chairman Back noted that no one signed the speakers list for this ordinance. Chairman Back asked if anyone in the audience wished to speak for or against this ordinance. No one wished to speak. Chairman Back closed the hearing.

Recommendation: Ordinance 02-23 Dwellings in C-B Central Business District

During the discussion on this ordinance, Mr. Miller provided clarification for Mr. Echols and Mr. Bolton that the triple parenthesis around the numbered items on page 3 indicated they had been renumbered and include a list of all of the uses and structures allowed rather than a reference to another section of the Code.

Following this discussion, Chairman Back asked for a motion on Ordinance 02-23. Mr. Hale made a motion to recommend approval of this ordinance to the Mayor and Council. Mr. Echols seconded the motion and it passed by unanimous vote.

Other business (none)

The members of the Planning Commission complimented Chairman Back on a job well done. There being no other business to discuss, the meeting adjourned at 9:24 PM.

Respectfully submitted,

Judith T. Frazier