

La Plata Planning Commission
Town Hall, La Plata, Maryland
Regular meeting
June 3, 2008, 7:00 PM

Present: Chairman Rich Gilpin, Keith A. Hettel, Debra W. Posey, James Goldsmith – Commission members; Cathy Flerlage, Director of Planning and Zoning; Judith T. Frazier, Town Clerk (Due to the absence of Mr. Echols and Mr. Rose, Ms. Posey had full voting rights.)

Town Staff: Daniel J. Mears, Town Manager; Steven F. Schroeder, Project Manager

Minutes:

Chairman Gilpin called the meeting to order at 7:00 PM and asked Mr. Goldsmith to lead the Commission and audience in reciting the Pledge of Allegiance.

Approval of May minutes

Ms. Posey moved to approve the minutes of the May meeting. Mr. Hettel seconded the motion and it passed by unanimous vote.

Agricopia – extension of preliminary plat approval

[A staff report dated June 3, 2008 was included in the Planning Commission's meeting packets.]

R. J. Earnshaw was present to provide information regarding the request to extend approval of the preliminary plat and to answer any questions posed by the Planning Commission.

In response to Chairman Gilpin's question, Mr. Earnshaw advised that there had been no changes to the preliminary plat. In response to Mr. Goldsmith's question, Ms. Flerlage explained the customary process of extending approval of preliminary plats.

Following discussion, Mr. Hettel moved to extend for one year the approval of the Agricopia preliminary plat. Mr. Goldsmith seconded the motion and it passed by unanimous vote.

McDonald's – recommendation for special exception/fast food restaurant

[A staff report dated June 3, 2008 was included in the Planning Commission's meeting packets.]

Ms. Flerlage provided a brief review of the staff report, which included staff's comment that the Planning Commission could make a recommendation to the Board of Appeals that the special exception for a fast food restaurant be granted.

Stephen H. Scott, attorney for the applicant, James Erdman and Joe Perry, of Ben Dyer Associates, Inc., and Lee May, of McDonald's Corporation, were present to provide information regarding the special exception request and to answer any questions posed by the Planning Commission:

- More parking spaces than are required have been provided, which increases the impervious surface at the site; however, there may be a future addition of patio seating, and the number of parking spaces is geared to that potential additional seating.

- Regarding the possibility of building to LEED certification standards, it was noted that McDonald's already incorporates energy-saving ideas into McDonald's buildings' design.

Following discussion, Mr. Goldsmith moved to recommend that the Board of Appeals grant the special exception. Ms. Posey seconded and the motion passed by unanimous vote.

Chick-fil-A – recommendation for special exception/fast food restaurant

[A staff report dated June 3, 2008 was included in the Planning Commission's meeting packets.]

Scott Thigpen, Development Manager/Chick-fil-A, Inc., Ken Weikel, owner of the Waldorf Chick-fil-A, and Keith Simpson, of Bohler Engineering, were present to provide information regarding the special exception request and to answer any questions posed by the Planning Commission.

Prior to providing a review of the staff report, Ms. Flerlage advised that, in order to make for a better lot configuration, there was a swap of triangle-shaped portions of Lots 3A (Chick-fil-A lot) and Lot 1RR, and that Lot 1RR was part of an annexation upon which the annexation agreement placed a prohibition against allowing fast food restaurant uses. Ms. Flerlage advised that she consulted with Frederick C. Sussman, Town Attorney, regarding this, and that Mr. Sussman advised that if the Planning Commission recommends to the Board of Appeals that the special exception be granted, the recommendation must include a condition that "it is granted on the condition that the Town Council concurs that the proposed development is not inconsistent with the terms of the annexation agreement." Further, he advised that if the Board of Appeals grants the special exception, they must also include the condition.

Following discussion, Mr. Hettel moved to recommend that the Board of Appeals grant the special exception, with the condition that it is granted on the condition that the Town Council concurs that the proposed development is not inconsistent with the terms of the annexation agreement. Ms. Posey seconded and the motion carried. Mr. Goldsmith abstained from voting.

Taco Bell – recommendation for special exception/fast food restaurant

[A staff report dated June 3, 2008 was included in the Planning Commission's meeting packets.]

Ms. Flerlage provided a brief review of the staff report, which included staff's comment that the Planning Commission could make a recommendation to the Board of Appeals that the special exception for a fast food restaurant be granted, subject to conditions regarding site plan issues of required side yards and loading space location.

Jim Gotsch and Bridget Shaw, of Loiederman Soltesz Associates, Inc., Bob Carlucci, Taco Bell owner, and Peter Gluszko, of Gluszko Architects, were present to provide information regarding the special exception request and to answer any questions posed by the Planning Commission:

- Greg Cooke/State Highway Administration confirmed that one access (south side of property) to Crain Highway will be allowed, and one will be abandoned.
- Side yards and loading space location to be provided per Town Code requirements.
- Taco Bell incorporates energy-saving ideas in their stores.

- Plans/documents displayed during Planning Commission review are to be displayed to the Board of Appeals during the hearing scheduled on June 26.

Following discussion, Ms. Posey moved to recommend that the Board of Appeals grant the special exception, with the conditions that the site plan issues of side yards and loading space location be resolved, and that the plans displayed to the Planning Commission be displayed to the Board of Appeals. Mr. Goldsmith seconded and the motion passed by unanimous vote.

Marshall's Choice – revised preliminary plat

[A staff report dated June 3, 2008 was included in the Planning Commission's meeting packets.]

Jim Gotsch and Michael Szynal, of Loiederman Soltesz Associates, Inc., Jerry Volman, developer, and Greg Cooke, of State Highway Administration (SHA) were present to discuss the revised preliminary plat of Marshall's Choice. The revisions were made due to the SHA's denial of access to Route 6 and include primary access from East Patuxent Drive, a cul-de-sac 1800' in length, and a stubbed right-of-way connection to the adjoining Chapman property.

During discussion, the Planning Commission expressed concerns regarding the safety issues caused by the lack of a secondary emergency access from Route 6; excessive length of the cul-de-sac, which exceeds the maximum allowable length of 800'; and inclusion of the stubbed right-of-way connection to the adjoining Chapman property. Chairman Gilpin read a letter sent to the Planning Commission from Stephen C. Shahan, Chief of the La Plata Volunteer Fire Department, dated May 29, 2008, in which Chief Shahan expressed concerns regarding the length of the cul-de-sac and regarding not having access from Route 6, which he stated would delay response time for emergency medical, fire and police service to the area. The Planning Commission offered to provide Mr. Cooke with additional information regarding the use of bollards to limit access to emergency personnel only on an emergency access point from Route 6 and asked him if SHA would revisit the emergency access point issue. Mr. Cooke advised he would take the information back to SHA for further consideration.

Planning Commission consensus: Following discussion, the Planning Commission agreed that the stubbed right-of-way connection to the adjoining Chapman property must be removed. The Planning Commission further agreed they could take no further action on the Marshall's Choice revised preliminary plat until the Route 6 second access point and the length of cul-de-sac issues are resolved.

There being no further business, Mr. Hettel moved to adjourn at 8:55 PM. Mr. Goldsmith seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk