

La Plata Planning Commission
Town Hall, La Plata, Maryland
Regular meeting
July 1, 2008, 7:00 PM

Present: Chairman Rich Gilpin, Keith A. Hettel, Garyton C. Echols, Jr., Mark Rose, Debra W. Posey, James Goldsmith – Commission members; Cathy Flerlage, Director of Planning and Zoning; Judith T. Frazier, Town Clerk

Town Staff: Daniel J. Mears, Town 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 June minutes

Mr. Hettel moved to approve the minutes of the June meeting. Mr. Echols seconded the motion and it passed by unanimous vote.

Public hearing – Zoning recommendation regarding Johel Limited Partnership and FCD-Development, LLC Annexation

[A staff report dated July 1, 2008 was included in the Planning Commission's meeting packets.]

Chairman Gilpin called the hearing to order. Ms. Flerlage entered into the record the Certification of Publication that the notice of the hearing was properly advertised in the June 11, 2008 edition of the Maryland Independent newspaper.

Stephen H. Scott, attorney representing the applicant, and Stephen Wenderoth, with Faison, were present to provide information regarding the petition to annex 14.11 acres of property and to answer any questions from the Planning Commission. Mr. Scott displayed a plat of the proposed annexation area and provided a brief description of the property, which includes a portion of the Route 301 roadbed, and noted that it is currently zoned CC (County's Community Commercial) and that they are requesting CH Commercial Highway zoning.

Chairman Gilpin asked if anyone in the audience wished to speak. No one wished to speak.

In closing remarks, Mr. Wenderoth stated that the Town staff report is consistent with their petition and suggests the property be zoned CH. Mr. Wenderoth requested that the Planning Commission recommend the CH zoning to the Town Council. In response to remarks from the Planning Commission that the buildings constructed in the development include "green building" principles, Mr. Wenderoth noted that it is difficult to achieve LEED certification for commercial buildings but that they would include as much as possible.

There being no other speakers and no further discussion by the Planning Commission, Chairman Gilpin closed the hearing at 7:11 PM.

Zoning Recommendation to Town Council on Johel Limited Partnership and FCD-Development, LLC annexation petition

Following the hearing and discussion, Mr. Hettel moved to recommend that the Town Council zone the property C-H Commercial Highway, if the property is annexed. Mr. Rose seconded and the motion passed by unanimous vote.

Marshall's Choice – approval of revised preliminary plat

[A staff report dated July 1, 2008 was included in the Planning Commission's meeting packets.]

Jim Gotsch and Michael Szydal, of Loiederman Soltesz Associates, Inc., were present to discuss the revised preliminary plat of Marshall's Choice. Mr. Gotsch displayed the revised preliminary plat and provided a summary of the changes made to address the Planning Commission's concerns expressed at the June 3, 2008 meeting. *[Removal of stubbed right-of-way connection to the adjoining Chapman property; Route 6 second access point; and length of cul-de-sac.]*

Following discussion, Mr. Rose moved to approve the Marshall's Choice revised preliminary plat, contingent on the fire department's review and approval of the emergency access and on consideration by the Town to own and maintain the emergency access. Mr. Hettel seconded the motion and it passed by unanimous vote.

Recommendation to Town Council regarding zoning text amendment – Accessory Dwelling Units

[A staff report dated July 1, 2008 was included in the Planning Commission's meeting packets.]

Ms. Flerlage provided a brief review of the staff report and noted the additional items that will be included in the actual ordinance document: (1) definition of Accessory Dwelling Units; (2) listing as a permitted accessory use within each of the individual zoning districts specified; and (3) a modification in § 101-4B.(1)(a)[1] (major facilities fees) to include accessory dwelling units.

The Planning Commission discussed the provisions in § 191-28.1D. Deed Restrictions, which requires that the property owner occupy either the main residence or the accessory dwelling unit in order for the Use and Occupancy Permit for the accessory dwelling unit to remain in effect.

Planning Commission consensus: Following discussion, the Planning Commission agreed that Ms. Flerlage should consult with the Town Attorney regarding § 191-28.1D. before the Planning Commission recommends the zoning text amendment to the Town Council.

Other business

Ms. Flerlage provided a brief update on development projects in the Town.

There being no further business, Mr. Rose moved to adjourn at 8:09 PM. Mr. Hettel seconded the motion and it carried.

Submitted by:

Judith T. Frazier
Town Clerk