

La Plata Planning Commission
Town Hall, La Plata, Maryland
April 1, 2003, 7:00 PM

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

Guests: (See roster.)

Minutes:

Chairman Back called the meeting to order at 7:00 PM and read the agenda. Chairman Back asked Mr. Hale to lead the Commission and audience in reciting the Pledge of Allegiance.

Approval of March minutes

Mr. Sollars made a motion to approve the minutes of the March meeting. Mr. Echols seconded the motion and it carried.

Public hearing: Ordinance 03-1 Parking Requirements in C-B Central Business District and C-H Commercial Highway District - For the purpose of amending off-street and off-lot parking requirements in the C-B Central Business District and C-H Commercial Highway District, subject to certain conditions; specifying the conditions under which those off-street and off-lot parking spaces may be allowed in the Central Business District and Commercial Highway District zones; and all matters generally relating to said parking requirements.

Chairman Back called the hearing to order. Mr. Miller entered for the record the Certification of Publication that the notice of the hearing was properly advertised in the March 14, 2003, edition of the Maryland Independent newspaper, and provided a description of the ordinance. Mr. Miller noted that an amendment will be suggested for consideration to provide that required parking spaces (1 space per 100 sq. ft. of floor area) for restaurants in the C-B district be calculated based on the floor area of public accommodation space rather than gross square footage.

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

During the discussion which followed, the Planning Commission questioned whether this ordinance would create situations where uses would be able to provide all parking off-site rather than meet any of the required parking on-site. Mr. Miller noted that the Maryland Department of Planning was of great assistance during the research on these changes, and advised he would pose this question to them before the Town Council makes a decision on this ordinance. The Commission also agreed that handicap accessible parking space requirements should be met on-site rather than off-site.

Recommendation: Ordinance 03-1 Parking Requirements in C-B Central Business District and C-H Commercial Highway District

Mr. Echols offered a motion that the Planning Commission recommend that the Town Council approve Ordinance 03-1, with the hope that handicap accessible parking spaces be provided on-site of the use where space is available, and not be located at an off-site facility 800 feet away from the use. Mr. Hale seconded the motion and it carried.

Public Hearing: Resolution 03-1 Wawa Annexation - 8.774 acres - Zoning recommendation

Chairman Back called the hearing to order. Mr. Miller entered for the record the Certification of Publication that the notice of the hearing was properly advertised in the March 14, 2003, edition of the Maryland Independent newspaper. Mr. Miller briefly described the location of the property and advised the Planning Commission that their specific purpose was to hear testimony and then recommend a zoning category to the Mayor and Council, noting that C-H Commercial Highway zoning has been requested by the petitioner.

Thomas F. Mudd, attorney for the applicant, advised that during his presentation he would call on two witnesses: Bruce Rice, representative of Wawa, and David Cooksey, Loiederman Soltesz Associates. Mr. Mudd acknowledged that this annexation application is unusual in that it is already developed, and that the use on a major portion of the property would normally require a special exception. Mr. Mudd expressed the hope that the use would be approved as part of the annexation and not be required to have a special exception. Mr. Miller advised that the Town Attorney believes that such a special exception will not be necessary.

Bruce Rice, Regional Real Estate Manager for Wawa, Inc., P.O. Box 448, Riderwood, Maryland 21139, described his duties to include location of sites in Southern Maryland, entering into contracts for those sites, and following development through the permit process to construction. Mr. Rice advised that in the time since Wawa filed the petition to annex, an error occurred that caused both of their parcels to be deeded to Realty Income Corporation. They are currently in the process of re-deeding the parcels so that Realty Income will own and lease back to Wawa the parcel on which Wawa is built (3.9 ac.), and Wawa will own the undeveloped adjacent lot (1.57 ac.). Wawa plans to sell the undeveloped adjacent lot. Realty Income was informed of and is in agreement with the pending annexation. Mr. Mudd entered into the record Exhibit #1: Consent to Annexation Petition and Agreement to be Bound by Terms and Conditions of Annexation Agreement.

Mr. Rice advised that Wawa had discussions with the Town prior to filing the annexation petition, and agreed to certain items requested by the Town: installation of the sidewalk along the front, modification of the landscape plan, and installation of electric conduits for a message sign the Town plans to have installed, which will be paid for by Wawa. Mr. Rice described benefits to the Town derived from this annexation to include: tax income from the sales, sewer fees per e.d.u., contribution to General Fund per parking space required, and community involvement.

David Cooksey, General Manager and Vice President of Loiederman Soltesz Associates, a civil engineering firm, 401 Post Office Road, Waldorf, Maryland, advised his firm prepared the annexation report and two exhibits. Mr. Mudd entered into the record Exhibit #2: Proposed Town Limit Exhibit - La Plata

Wawa; Sheet 1 of 1, dated January 2003, and Exhibit #3: Proposed Water and Sewer Routing Exhibit - La Plata Wawa; Sheet 1 of 1, dated January 2003.

Mr. Cooksey displayed the Proposed Town Limit Exhibit and described the current and proposed limits with the inclusion of the Wawa annexation. Mr. Cooksey advised that Wawa currently has a private well on-site and a holding tank that is pumped out on a regular basis and hauled to Charles County's wastewater treatment plant. Mr. Cooksey displayed the Proposed Water and Sewer Routing Exhibit, described the two options for the sewer line, and described the location of the water line.

Mr. Cooksey acknowledged he is familiar with both the County and Town zoning regulations. He noted that the property is currently zoned (County) CC Community Commercial, and that the Town's C-H Commercial Highway zoning is appropriate for this property. He also noted that Charles County's Comprehensive Plan (1997) shows this area as recommended for future annexation into the Town of La Plata.

Mr. Cooksey acknowledged that the west end of the developed Wawa parcel abuts residential zoned property and noted a significant buffer area exists behind the Wawa, including topographic constraints which would prevent further development by Wawa.

During the discussion which followed, it was confirmed that the Wawa parcel meets the required number of parking spaces. In response to a question from Chairman Back, Mr. Rice advised that Wawa's main benefit from the annexation would be public water and sewer, including to the undeveloped parcel they plan to sell. In response to a question from Chairman Back, Mr. Miller advised that the Town would recommend that water and sewer easements be placed along the property so Amoco and the undeveloped lot may tap in if they wish, and that the sewer line be bored under Rt. 301 and a force main continue up to Heritage Green Parkway to feed into the gravity system. He further noted a long term concern that the State's depressed roadway through La Plata will start at this intersection. Regarding the buffer, Mr. Echols recommended that the buffer be retained as it is, as part of the annexation agreement. Mr. Cooksey asked that the buffer be set at a distance of 75' so it can be marked on the plat. In response to a question from Mr. Thompson, Mr. Miller confirmed that the Town has adequate water and sewer capacity for this use.

Chairman Back asked if anyone in the audience wished to speak for or against the Commercial Highway zoning of this property if it is annexed. No one wished to speak. Chairman Back closed the hearing.

Zoning Recommendation: Resolution 03-1 Wawa Annexation - 8.774 acres

Mr. Echols offered a motion to recommend to the Town Council that the property be zoned Commercial Highway and that the Town Council include in the annexation agreement that the existing 75' buffer at the rear of the property be maintained. Mr. Hettel seconded the motion and it carried.

Final plat: King's Grant Section 7

Mr. Miller reviewed the subdivision review items (dated March 2003) on King's Grant Section 7. Gore Bolton also reviewed the list. The Planning Commission expressed concerns regarding assurance that the two

lots on Wales Drive be developed, that as few trees as possible be cleared from this section, and a safety issue with the 30' depth of a sewer manhole.

Mr. Echols offered a motion to approve the final plat of King's Grant Section 7, with the stipulation that lots 13 and 14 on Wales Drive be the first lots to be developed, to close out existing Section 6. Mr. Sollars seconded the motion and it carried.

Final plat: Agricopia Section 3

Mr. Miller reviewed the subdivision review items (dated March 2003) on Agricopia Section 3 (25 single family dwellings.) Gore Bolton and R. J. Earnshaw were present to answer any questions from the Commission.

Mr. Miller reminded the Planning Commission there is no approved preliminary plat. Chairman Back agreed that the Commission said they would work with the developer regarding Section 3, and asked for a status report on the development agreement. Mr. Miller advised he was working on the agreement. Mr. Earnshaw advised they intend to bring a draft development agreement to the next meeting, for review by the Town.

Chairman Back remarked that Section 3 is in an area close to the townhouses and noted that a plat should be posted in the sales office so that information is available. Mr. Earnshaw advised that a plat has been posted, and that a color version is being prepared for a brochure. Mr. Bolton presented to the Town a copy of a composite of the plan for Agricopia.

Following this discussion, Mr. Hale offered a motion to approve the final plat of Agricopia Section 3, while we are waiting for the final preliminary plat negotiations. Mr. Sollars seconded the motion and it carried.

Amendment to meeting schedule for May meeting

Due to the Town Election scheduled for May 6, the Planning Commission agreed to reschedule their meeting to Thursday; May 8.

Other business

Mr. Echols read for the record a letter he sent to members of the Planning Commission, dated April 1, 2003 [copy attached to these minutes], in which he recommends that the Planning Commission request that all building applications for commercial and multi-family use be submitted to the La Plata Fire Department for review, and that the Planning Commission recommend to the Mayor and Council that a "very critical review of the present codes be initiated." Mr. Echols also made reference to a copy of a letter from Stephen C. Shahan, Fire Chief of the La Plata Volunteer Fire Department, Inc., to the Town Manager, dated March 12, 2003 [copy attached to these minutes], which detailed the results of his review of the renovation project of the Port Tobacco Players Theatre on Charles Street. Mr. Echols remarked that this review by the Fire Chief had been done at the request of the Planning Commission, and asked that the Planning Commission make a motion that the items contained in this review be accomplished.

During the discussion which followed regarding review of the code, Mr. Echols stated he felt very strongly that the Planning Commission, in its responsibility as an advisory group to the Mayor and Council, needs to make a statement. He further pointed out that it had been his personal experience that the life safety codes are inadequate. Mr. Miller noted that the Town had adopted the International Building and related codes, as required by the State of Maryland. Mr. Echols remarked that the Town could amend that code, to which Mr. Miller responded that the Town does not have the in-house ability to devise a stricter standard. Gore Bolton spoke from the audience, noting he serves on a Charles County committee that looks into these types of issues. He advised he would forward a copy of the County's amendments to the code and all the data he has, and offered to help the Town in any way he could. He also noted his belief that the Town could also make amendments. Mr. Echols advised that prior to adoption of the International code, the Town adopted the old BOCA/NFPA code. He noted that a fire in the La Plata Garden Apartments had been set in one of the open storage units. A local fire marshal at the time recommended that, in the future, storage areas for that type of occupancy be sprinklered, which was not required at that time by the code. The fire department recommended to the Mayor and Council that they require sprinklers. Sprinklers were installed at the storage areas at those apartments and a subsequent fire was doused by the sprinklers. The Mayor and Council amended the Town code as far as storage areas to require sprinklers and smoke detectors.

Mr. Echols offered a motion that the Planning Commission recommend that the Town Council review the fire codes to determine if the Town may amend them beyond the minimum required by the International Codes, with the help of what Charles County and other jurisdictions have done, and further recommend that the fire chief be consulted as part of the staff comments. Mr. Hettel seconded the motion and it carried.

In response to Mr. Hettel's question, Don McGuire advised that the tornado warning sirens worked correctly this past Saturday.

In response to Mr. Hettel's request for an update on building in Town, Mr. Miller advised that the Design Review Board would be reviewing some permits, and he and Cheryl McGuire noted that they included: Tim Murphy, Howard Libby, James Mudd's apartment complex, Jake Mitchell, and Dr. DiLorenzo. Steve Schroeder remarked that a new roof was put on the old post office building.

In response to Mr. Sollars' question, Mr. Miller advised that nothing has come in about the old tobacco barns.

There being no other business to discuss, the meeting adjourned at 9:15 PM.

Respectfully submitted,

Judith T. Frazier