

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, August 12, 1986

Present: Commissioner Ford L. Dean
 Commissioner David F. Sayre
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

(Commissioners Aud, Arnold and Millison were not present due to illness).

Commissioner Dean and Sayre met at 10:00 a.m. in order to consider the following items:

APPROVAL OF BILLS

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the following Personnel items:

1) APPOINTMENT OF ANIMAL WARDEN

Memorandum dated August 8, 1986 from Personnel Officer recommending the selection of Edward L. Boswell, Jr. to the position of Animal Warden I, Civil Defense, Grade 7, effective August 18, 1986.

2) APPOINTMENT OF TYPIST CLERK
DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Memorandum dated August 7, 1986 from Personnel Officer recommending the selection of Dana Mattingly to Typist Clerk position, Grade 4, in the Department of Economic & Community Development, effective August 14, 1986.

3) REQUEST FOR AUTHORITY TO HIRE
PLANS EXAMINER

Memorandum dated August 8, 1986 from Personnel Officer requesting authority to advertise for the Plans Examiner position, Grade 13,, in the Office of Planning & Zoning, which will be vacant by Charles Brenton on August 14, 1986.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the Personnel Officer's recommendations relative to the above-referenced personnel items, pending approval by Commissioner President Aud, who later did approve this action. Motion carried.

(Because of a lack of a quorum no further business was conducted and the meeting was adjourned with the exception of the following rezoning public hearing which were conducted by Joseph Densford, Assistant County Attorney serving as Hearing Officer:

ZONE #86-0951
HENRY T. WARING

Present: Joseph R. Densford
 Robin Guyther
 Peggy Childs

ZONE #86-0951 - HENRY T. WARING
 Requesting rezoning of $\frac{1}{2}$ acre from R-2, Low Density Urban Residential, to C-2, Commercial. The property is located off MD. Route 246, Great Mills Road (Sanner Property), shown on Tax Map 51, Block 3, as part of Parcel 158.

Assistant County Attorney Joseph R. Densford opened the hearing at 1:04 p.m. in the Commissioners' Conference Room of the Governmental Center in Leonardtown, Maryland. He stated that he was appointed by the Board of County Commissioners, under Article 66B of the Annotated Code, as the Hearing Examiner for the purpose of conducting this hearing. It was noted, for the record, that there were no members of the public or representatives of the applicant present at the hearing at this time.

Planner Robin Guyther entered the Planning Commission's case file into the record. He said that Mr. Waring's representative had delivered to him the Certified Receipts from property owners within 200 feet of the property, showing they had been notified of the hearing. He also verified to Mr. Guyther that the property had been duly posted.

Mr. Guyther stated that last year about this time Mr. Waring asked to have two acres on Great Mills Road rezoned for the purpose of putting a self-service warehouse on that property. He presented evidence about change in the character of the neighborhood and 2 acres were rezoned to C-2. However, between the time the property was rezoned and when he brought in his site plan, the County had adopted the Lexington Park Transportation Plan, which laid out a road cutting $\frac{1}{2}$ acre off his newly rezoned C-2 property.

Mr. Waring then came back and asked to have an additional $\frac{1}{2}$ acre at the rear of the property rezoned to C-2 to replace the $\frac{1}{2}$ acre lost because of the Lexington Park Transportation Plan. Mr. Waring argued that there was now a specific change in the immediate area of his property; namely, the road planned to go through it, and he is willing to donate to the County the right-of-way. In exchange for that, he would like to have an additional $\frac{1}{2}$ acre rezoned to make up for the loss. The road will be the extension of Pacific Drive, which will come out of Patuxent Park West right across from that right-of-way and then continue around and eventually loop back into Willows Road.

In response to the questions posed by Mr. Densford, Mr. Guyther stated that the location of the new road was not known at the time of the first rezoning, and it is the applicant's position that the new road constitutes a change in the character of the neighborhood. At the time of the first rezoning, the applicant also argued change in the character of the neighborhood because of the construction of defense contractors' office buildings and Indian Bridge Apartments. Both staff and the Planning Commission accepted this argument, and the Planning Commission subsequently recommended approval of the rezoning to the County Commissioners, who did approve it.

In this request for an additional $\frac{1}{2}$ acre rezoning, applicant presented the same case and staff presented the same report to the Planning Commission, supplemented by the Lexington Park Transportation Plan. Mr. Guyther stated that Mr. Waring does not have to donate the road until the County asks for it. In fact, his agreement with the Planning Commission is to set it aside and donate it if asked. Mr. Densford asked to have the plat in the original rezoning placed in this current case file, and Mr. Guyther affirmed that it would be included as part of the Planning Commission record entered into this case.

Mr. Densford said he thought if a recommendation is made as a result of this public hearing the county would agree to rezone $\frac{1}{2}$ acre at the southern end of the property, and the Resolution should contain the condition that the right-of-way will be deeded over to the county at such time as requested by the County Commissioners, with the description of the property attached to the Resolution.

This concluded the evidence presented, and the hearing was closed at 1:15 p.m.

ZONE #86-0183 - TEXT CHANGES TO THE ZONING ORDINANCE
SUBDIVISION REGULATIONS

(1) Sec. 48.02 & 48.03.5 of Z.O. - Nonconforming Uses.

Clarifying regulations to require that expansion of nonconforming uses be consistent with regulations for the zoning district normally required for the specific building or use.

Mr. Guyther said a nonconforming use is generally analyzed based on the standards of the zoning district it would be in if it was a conforming use. This will be clarified in Sec. 48.02 by the following language:
...nonconforming uses may continue "CONSISTENT WITH CURRENT RESTRICTIONS, STANDARDS AND LIMITATIONS OF THE APPLICABLE USE." and Sec. 48.03.5" ... IF EXPANDED..."

(2) Sec. 71.04.1 & 71.04.3 of Z.O. - Penalties.

To allow penalties for anyone who removes or defaces an official notice.

(3) Sec. 42.01.b o Zoning Ordinance - Clusters.

This is a major change for the county. The Planning Commission has recommended that density be allowed by right in cases where the density bonus is not requested, without the necessity of a public hearing. If the 20% density bonus is requested, a public hearing would be required; if someone wanted to go with the density allowed and cluster the units, that would be a right.

This section also contains a proposed change to standards for determining net density. In order to determine the net density allowed, the applicant would be required to submit a concept plan of sufficient detail to adequately demonstrate the number of lots which the site could accommodate through the noncluster arrangement of lots. For instance, if someone submitted a plan which showed they could get 100 single family lots on a piece of property, they would be allowed by right to put those 100 units in a cluster arrangement.

(4) Sec. 4.11 of Subdivision Regulations Clusters.

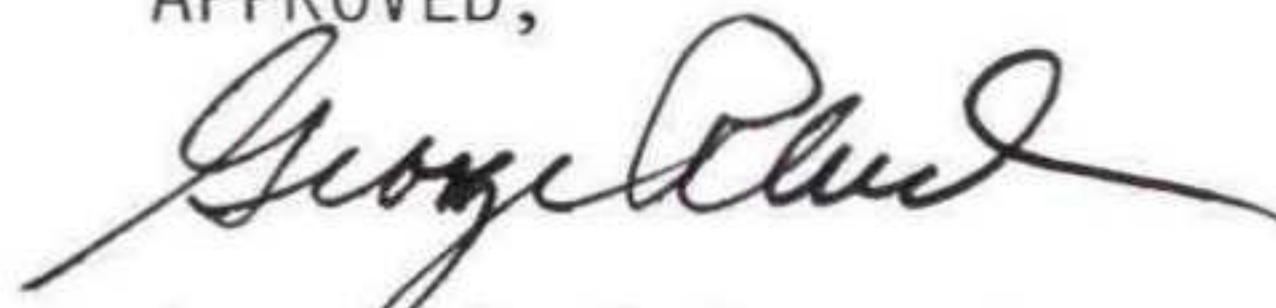
Proposed change to make Subdivision Regulations consistent with Zoning Ordinance regulations above and to provide that Appeals of cluster decisions are made to the Circuit Court within 30 days of the decision.

This concluded the presentation regarding the proposed text changes. Since there was no one else in attendance no questions were raised, and Mr. Densford closed the public hearing.

ADJOURNMENT

The meeting adjourned at 1:30 p.m.

APPROVED,



George R. Aud
President