



Commissioners of Leonardtown

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DANIEL W. BURRIS
Mayor

LASCHELLE E. MCKAY
Town Administrator

Commissioners of Leonardtown Leonardtown Planning and Zoning Commission Meeting

January 18, 2022 ~ 4:00 p.m.

Attendees: Jean Moulds, Chairperson
Andrew Ponti, Member
Heather Earhart, Member
Laura Schultz, Vice-Chair
Doug Isleib, Member

Also, in attendance were Town staff members Laschelle McKay, Town Administrator; Jada Stuckert, Planner and Teri Dimsey, Executive Secretary. Other persons present were Rodney and Stephen Gertz of Quality Built Homes, Wayne Hunt and Darren Jones of Little Silences Rest, Gregory Hosendorf of Soltesz, Greg Tollston, Terra Neely, Charlie Breck, Terry Ravly, Gordon Stellway, and Ken Held. Sign-in sheets for this meeting are on file at the Town Office.

Chairperson Moulds called the meeting to order at 4:03 p.m. *Member Ponti made a motion to approve the minutes of December 20, 2021 and Member Schultz seconded. The motion passed by a 3-0-0 vote with Jean Moulds and Heather Earhart abstaining.*

Town Administrator's Report:

Mrs. McKay gave an overview of the January 2022 Town Council meeting.

New Business:

Case No. 83-21 Dairy Queen
Request for Concept Plan review and approval.

Owner: Burch Oil Company, Inc.
Surveyor: Little Silences Rest, Inc. C/O Darren Jones
Property: 22875 Washington Street
SDAT: Tax Map 0127, Grid 0022, Parcel 0286
Land Area: 1.27 acres
Zoning: Commercial Business (C-B)

Mrs. Stuckert presented the staff report indicating this case is being continued from the 12/20/2021 meeting. The applicant is requesting Concept Plan review and approval for the construction of a 2,662 sq. foot Dairy Queen. The property currently contains a 3,125 sq. ft. car wash facility which is proposed to be demolished.

Per the Zoning Ordinance, 10% or 2,331 sq. ft. of the parking facility is required to be landscaped. The applicant is proposing a total of 4,206 sq. foot of landscaping. Parking is required at a rate of one (1) space for every 50 sq. ft. of gross floor area, plus five (5) stacking spaces per drive-through window. A total of 53 spaces is required for the project and only 42 spaces are provided along with eighteen (18) stacking spaces for the drive-through. With regards to the parking, town staff provided additional details after meeting with the

applicant. Per Section 155-55 of the code, the Planning Commission may accept less than the required number of parking spaces for a project. Staff requested that the applicant provide a significant number of stacking spaces for the drive-thru based on issues on a nearby site. The applicant is providing 42 spaces and 18 stacking spaces for the drive-thru. Staff believes that the stacking spaces are more applicable to this site than the parking spaces and recommends accepting the reduction of 11 regular spaces in exchange for the 13 extra stacking spaces over the required 5 spaces. The Planning Commission also has the option to require a special study for parking and transportation if they so choose.

While the building will front on Washington Street with a “one lane in” route, there is vehicular access between the proposed development and the existing Burch-Mart. There are also two lanes exiting onto Washington Street as well as an entrance and exit onto Lawrence Avenue. The proposed development has also provided for a fenced dumpster enclosure. All signage will be required to submit for a separate building permit in keeping with the Town’s sign regulations.

At the December 20, 2021 meeting the Planning and Zoning Commission voted 3-0 to delay a decision on the concept site plan until comments had been received from the State Highway Administration and the Leonardtown Volunteer Fire Department. Comments from State Highway and responses from the traffic consultants are included in your packages. State Highway indicates that the SHA Access Manual states if an access point will be along a secondary roadway, and the volume entering will be greater than 30 vehicles in an hour, a deceleration lane is warranted. Per the traffic consultants, the proposed project is projected to create only 29 right turns and would therefore not require a deceleration lane. Town staff has reviewed all comments and agree that a deceleration lane is infeasible due to the width of the road and its location to MD 5 and MD 245 (Washington Street).

The project has been submitted to Soil Conservation District, Department of Public Works and Transportation, Leonardtown Volunteer Fire Department, and the State Highway Administration for review. To date, initial approval comments have been received by all required agencies except the LVFD. Preliminary comments from the Fire Department indicate that they have no issue with the development. Final comments will be received prior to final site plan approval.

Wayne Hunt gave a brief overview of the site plan explaining the flow of traffic into and around the proposed development to include the existing Burchmart and Lawrence Avenue. A total of 18 stacking spaces have been provided for the drive-thru; this was done in anticipation of the additional traffic to and from the site. Member Ponti clarified that there is one entrance from Washington to the site and one from the Burchmart. Mr. Hunt indicated there are three entrances and exits to and from the property to include the main entrance, the Burchmart entrance and the Lawrence Avenue entrance. Member Ponti expressed concern with the crossover traffic from Burchmart onto this site.

Chairperson Moulds asked for clarification as to entering the drive-thru line. Can I make a left-hand turn into the site if coming from Town on Washington Street? Mr. Hunt indicated this is possible. Member Isleib indicated State Highway regulations state if you have 30 or more cars per hour you need an excel/deceleration lane. The traffic study numbers came in at 29 cars per hour; is this just a marvelous coincidence and how is this number calculated? Mr. Hunt indicated the traffic engineer completes the traffic study and the number popped up at 29 and SHA agreed with the numbers and the methodology used to get to that number.

Member Isleib indicated the Commission does have architectural review and approval at final site plan review. Considering the location of the project, it is imperative that we utilize the design principals provided in the downtown plan. Mr. Hunt agreed and asked for guidance on what the Town would like to see as far as architectural changes. Member Isleib indicated the draft renderings we have seen to date are not in line with the principals set forth in the downtown plan. Chairperson Moulds agreed indicating the building should be of a brick façade to match the surrounding area i.e. Father Andrew White School and the apartment building next

door. Almost all the buildings in downtown Leonardtown are of brick façade and this should remain. Member Earhart indicated due to the location of the building it will need to be brick on all sides. Member Isleib indicated he agrees with the brick building and would like to see more subtle colors and sizes when it comes to the signage and accents. I am not in favor of the large red spoon and the large DQ sign. Mrs. McKay indicated staff has not looked at the signage to date as it is handled by a separate permit application. We do have sign regulations that limit the size, color, location, etc.

Member Earhart asked how the Commission is supposed to weigh the Comprehensive Plan with the Zoning Ordinance. When a new business coming in affects other like businesses in the area, are we not supposed to take this into consideration when reviewing an application. Mrs. McKay explained there is nothing in the regulations that support being able to deny an application based on the number of like businesses in Town. The ordinance contains the zoning regulations to follow and the comprehensive plan are guidelines for what the focus of the Town should be.

Member Ponti asked what the driver was for a Dairy Queen in this location. Mr. Donnie Burch indicated the thought was that a Dairy Queen (much like the one in Charlotte Hall) would be a more family friendly use as compared to the existing car wash. Member Schultz questioned the parking and how two-way traffic could be incorporated into the plan on the North side of the property. Mr. Hunt indicated he was anticipating this comment and in turn we reduced some of the green space so that a car would be able to pass on the right side. Member Schultz indicated the island between the Burchmart and the proposed site seems to hinder a right turn from Burchmart. Member Ponti agreed, indicating the drive-thru line seem to block the parking areas. Mrs. Stuckert indicated the plan currently exceeds the landscaping requirement therefore the removal of some of the green space would still meet the requirements. Mr. Hunt indicated he will modify the plan to allow for two-way traffic on the site. Member Schultz asked if a bike rack could be included on the site. Mr. Hunt indicated this could be incorporated into the plan.

Member Earhart asked if the Commission could take the time to hear some of the public's comments. Charlie Breck indicated there are Dairy Queen's throughout the country that have different architectural features based on their locations and the requirements of the jurisdiction they are in. Mr. Greg Tollsten stated he is concerned with the traffic especially considering that the current Google maps have Route 5 and Route 245 in this location operating at a red category. I have seen other developments come in and are required to improve the shoulders of the road substantially and I am not seeing any changes here and this is frustrating. I am also concerned that there is not enough room between the parking spaces and the drive-thru line for larger parked vehicles to be able to back up to leave. Member Ponti indicated that the SHA comments did not warrant deceleration lane or a shoulder. Mrs. Stuckert indicated this is true. Staff looked at the possibility of widening Washington Street in this location for additional turn lanes however there simply isn't enough room to accommodate additional turn lanes or shoulders.

Ken Held indicated the drive-thru versus the dine-in statistics do make sense and I understand that north of 70% of the business will be drive-thru business. From a code standpoint, does the 18 stacking spaces in the drive-thru convert to the deficient 9 regular parking spaces. Mrs. McKay indicated yes; the Planning Commission has the authority to allow this conversion. The correct accounting of parking is 53 spaces were required; 42 spaces were provided. They are required to provide 5 stacking spaces however they provided 18.

Member Isleib made a motion to approve the request for Case No. 83-21, Concept Plan for a 2,662 sq. ft. Dairy Queen and Member Ponti seconded. The motion passed by a 3-1-1 vote with Member Earhart opposed and Chairperson Moulds abstaining.

Case No. 1-13C

McDonalds – 40950 Merchant's Lane

Request for architectural review and approval for a 200 sq. ft. addition.

Owner: McDonalds Corporation C/O Gerald Fair
Engineer: Bohler Engineering
Property: 40950 Merchant's Lane
SDAT: Tax Map 0120, Grid 0021, Parcel 0003
Land Area: 1.83 acres
Zoning: Commercial Business (C-B)

Mrs. Stuckert gave an overview of the staff report indicating the applicant is requesting architectural review and approval for a 200 sq. ft. addition to the southwestern side of the existing building. The purpose of the addition is to further extend the drive-thru by adding a second pick-up window. Work will include the removal of an existing storefront window to be replaced with matching brick, the addition of the second pick-up window, the addition of a new storefront window, and a new entry canopy and door. All materials used will be of matching color to what is existing.

Member Isleib inquired about the mechanics on how adding the second window will improve the efficiency of the drive-thru. Mrs. Stuckert indicated McDonalds added a second menu board and order speaker two years ago. The addition of the second pick-up window is the second phase of that original improvement. Cars will now be able to order in two separate drive-thru lines, merge into one lane for the payment window, then move to the next available pick-up window.

Member Schultz made a motion to approve the request for Case No. 1-13C, Architectural review and approval for a 200 sq. ft. addition to an existing restaurant pending Fire Marshal review and approval and Member Earhart seconded. The motion passed by a 4-0-1 vote with Chairperson Moulds abstaining.

Case No. 100-15A Meadows at Town Run II – Hollywood Road and Dry Dock Lane
Request for favorable recommendation to Town Council for a Planned Unit Development.

Owner: Quality Built Homes, Inc.
Engineer: Soltesz C/O Gregory Hosendorf
Property: MD Route 245/Hollywood Road and Dry Dock Lane
SDAT: Tax Map 032, Grid 0012, Parcel 0175
Land Area: 137.51 acres
Zoning: Planned Unit Development (PUD)

Mrs. Stuckert gave an overview of the staff report indicating the subject property is located on the east side of MD Route 245, in close proximity to its intersection with McIntosh Road and is better known as the Wilkinson Farm. The southern boundary of the property adjoins the Town of Leonardtown municipal limits through the Meadows at Town Run I, Phase II. The farm was annexed into the town in August 2015. Per Section 3.4 of the annexation agreement the applicant agreed to dedicate a parcel of sufficient size to accommodate a well/water tower. Town Council will determine the allocation of EDU's prior to final site plan approval. Town staff held pre-application meetings with the owner on numerous occasions throughout 2021.

It is important to note and reference the plans cover page Residential Density Tabulation table. The developer has condensed the building site to a small percentage of the property with 75.9% of the property remaining as open space and 66.7% remaining open space when both the Wathen and Wilkinson parcels are combined. Per zoning density allowances the developer would be allowed a total of 917 units on both parcels however the actual number of proposed units is 410 over both parcels. The proposed design creates a large buffer from existing surrounding properties as well as additional conservation of land.

The applicant is proposing twelve (12) single family units, 147 townhouse units, and 144 apartment units (to be owned and operated by Quality Built Homes) in four (4) separate buildings containing 36 apartments each, as well as recreational amenities. These amenities will include a club house and swimming pool, gazebo, tennis courts, playground, and a recreational field. The project is proposed to be built in three (3) phases. Phase One will contain twelve (12) single family homes, 38 townhomes, the recreational amenities, and the pump station. Phase Two will consist of the remaining 109 townhouse units and Phase Three will contain the 144 apartment units.

Please note that the Town owned well/water tower is proposed to be built by the Town (not the developer) in Phase One. McCrone prepared a sewer study in September 2021 and it has been reviewed by the town's engineer, GHD. Quality Built Homes is participating with the Town to have GHD update our water and sewer models. The Town is working closely with all parties involved to develop these plans.

Although the site is fairly flat in the central portions of the site it does slope down sharply to a stream valley and floodplain area along the southwestern boundary where the site connects with Meadows at Town Run I. Due to this slope a typical roadway cannot be used to connect the two subdivisions. Instead, the applicant is proposing a 5' wide trail system with 8' wide passing areas to connect the two subdivisions and its amenities. This trail system will also help to protect the existing stream valley and minimize any environmental impacts.

The applicant has preliminarily looked at water, sewer, traffic, forest conservation, and stormwater management practices. The project has been submitted to Soil Conservation District, Department of Public Works and Transportation, Leonardtown Volunteer Fire Department (LVFD), and the State Highway Administration for review. To date, initial approval comments have been received by all required agencies except the LVFD.

Rodney Gertz gave an overview of the project while providing visual boards for the Commission and public. When we originally started talking about this development, we knew we wanted to condense the development to preserve more of the open space. We knew we wanted to keep a walkable community with mixed housing options and in keeping with the Leonardtown feel. We have preliminarily looked at architectural designs for the project and are happy with the mix of designs that we feel are in keeping with the Town's Comprehensive Plan and other developments we have completed in Leonardtown. We are confident that we can provide a nice, comfortable, walkable community for those of every price bracket. When we were thinking of the apartments, we were thinking of the younger community that can't necessarily afford to purchase a home or those who are looking to downsize and do not want to deal with yard work and property maintenance.

The path that connects the two developments will be a 5' wide path with 8' bump outs for passing every 200' or so for those that are walking with strollers or are using a golf cart. There will be a covered bridge to cross over the waterway which will also add character to the trail system. The entrance to the development will be constructed this summer so that we are not causing any traffic issues on Route 245 during construction of the actual homes.

Member Ponti indicated he agrees with everything Mr. Gertz has said. I purchased my townhome seven years ago and had I not done so I probably could not afford to live in Leonardtown today. I like the connectivity to the Town and the condensed density to help preserve the open space. Mr. Gertz stated Quality Built is excited to not only build this development but to actually own a piece of Leonardtown, meaning the apartment complexes. Member Earhart asked how the apartment leasing would work. Would you be able to offer both short and long-term leasing options? Mr. Gertz indicated QBH would be looking at all options when leasing. I can imagine we will mostly have long-term leasing however we could set aside a certain amount of apartments to be used for short-term leasing. Chairperson Moulds asked if QBH has seen an issue with the capacity of the pools with COVID? Mr. Gertz indicated QBH tends to over build all the amenities, hence the extra 250+ parking spaces we are providing, so the capacity of the pools has never been an issue.

Member Schultz asked about the stormwater management and how the stormwater would be treated. Mr. Gertz indicated Meadows at Town Run I has individual bio-retention areas on each lot which was the standard at the time. Meadows at Town Run II will have more submerged wetlands with bio-swales above. MDE and DPW have now recognized that developers can choose from a variety of stormwater management practices rather than just sticking with one.

Mr. Gordon Stellway asked about the Town's installation of a water tower. Mr. Gertz indicated QBH donated a portion of the land to the Town so that they can build a well/water tower. Mrs. McKay indicated this project will have approval for phase 1 water and sewer however phases two and three will wait until after the well/water tower site is built and the wastewater treatment plant upgrades have taken place before they can continue building. Mr. Stellway asked if he was correct in assuming that there is one entrance/exit to and from the development with no traffic signal, only acceleration and deceleration lanes. Mr. Gertz indicated this is correct. Mr. Stellway indicated the Town is severely lacking in parking and if you have room for 900 cars where are these people going to park for a town event. I can't see them walking all the way into town so this means they are going to drive and need parking. Mrs. McKay indicated the Town is currently working on plans for the waterfront and East Fenwick areas where we have a site for a parking structure.

Member Earhart made a motion to send a favorable recommendation of the request for Case No. 100-15A, Concept Site Plan for a Planned Unit Development to Town Council and Member Isleib seconded. The motion passed by a 4-0-1 vote with Chairperson Moulds abstaining.

Review of Monthly In-House Permits – Member Ponti asked how the meeting with Joe Kurley and the old theatre went. Mrs. Stuckert indicated the meeting went well and the new owner is working with an architect now to develop the plans. They are narrowing down their thoughts to better decide exactly what they are going to use the space for.

Chairperson Moulds entertained a motion to adjourn the meeting. Member Ponti made the motion; seconded by Member Earhart. There being no further discussion, the motion passed by a 5-0 vote. The meeting was adjourned at approximately 6:05 p.m.

Respectfully submitted:

Jada Stuckert, Planning & Zoning

Approved:

Jean Moulds, Chairperson

Laura Schultz, Member

Andrew Ponti, Member

Heather Earhart, Member

Doug Isleib, Member