

**Commissioners of Leonardtown**  
**LEONARDTOWN PLANNING AND ZONING COMMISSION MEETING**  
**Monday, May 15, 2006 ~ 3:30 p.m.**

Attendees: Jean Moulds, Chairperson  
Jack Candela, Member  
Tom Collier, Member  
Frank Fearn, Member

Absent: Gary Simpson, Member

Also in attendance were: Laschelle Miller, Town Administrator; Jackie Post, Fiscal Clerk, Teri Dimsey, Recording Secretary; Steven E. Dorsey and Sam Phillips, PF Summers, Inc.; Bill Mehaffey, Mehaffey Assoc; Dean Beck, Beck Enterprises; Alan Buster, St. Mary's Hospital; Jeff Twell, COA, Inc.; Dan Burris, LBA; Terry Wright, RA Barrett & Assoc.; Leslie Roberts, Councilmember; Harry Norris, Mayor. A complete sign in sheet is available at the Town Office.

Chairperson Moulds called the meeting to order at 3:30 p.m.

The meeting minutes for the April 17, 2006 Planning and Zoning Commission meeting are presented for approval.

Member Candela stated that he had a small correction on page 8 of 13, change \$25,000 to \$250,000.

**Chairperson Moulds entertained a motion to approve the April 17, 2006 meeting minutes, Member Fearn moved to approve the minutes with the requested correction, seconded by Member Collier; motion passed unanimously.**

**Town Administrators Report – Laschelle Miller**

**Waste Management Contract** - At the May 8<sup>th</sup> Town Council meeting there was discussion on the Waste Management contract and it was agreed to extend that contract for another year, which will be the final year of the contract.

**Route 5** - Greg Welker, District Engineer with the State Highway Administration gave a presentation on some proposed short-term improvements on Route 5. They discussed giving the

illusion of narrowing the lanes and trying to slow traffic down until we can complete the process of widening Route 5 and adding the center turn lane. He did receive the approval of the Council to make the improvements.

Member Candela asked if it is in their plan to repair any road surface? Ms. Miller noted that Councilmember Wise asked that same question and it is a separate issue. They said they could move forward with this traffic calming work independently. They are still trying to figure out the problem on Route 5 in front of Mattingly's and will be looking at it more closely in the future.

**Doctor's Crossing Way Improvements** – Awarded to C.A. Bean. They will be moving forward on those improvements at Route 245 and adding a left turn lane.

**Leonardtown Wharf** – Went to settlement on the property in April. The bid that was received back in September 2005 was awarded at the May 8, 2006 Town Council meeting to Cianbro Corp., but the Council placed a "limited notice to proceed" to the specific funding we have in place right now which is \$2.7 million. We have received additional money and grant funding of \$400,000 from the State. We made another presentation to the County Commissioners for additional funds and met last week with the Governor's Office of Budget Management, along with Commissioner McKay, seeking additional State funding to keep the project moving forward. You will start seeing activity on the site in the next few weeks, starting with demolition.

#### **Old Business**

Case #136-2004	Courthouse Square Buildings: Final Plan Approval Request
Applicant:	RA Barrett & Associates, Engineer and Beck and Beck LLC, Developer
Location:	Courthouse Drive
Zoning:	Commercial Office (C-O)

Dean Beck stated that this project has received concept approval and they are here for final plan approval, along with Terry Wright, Engineer with RA Barrett.

Ms. Miller stated that there were a number of issues that have been resolved over the last several months. They met with the Historical Society who had concerns about a three-story building in relation to Tudor Hall. The applicant states that all those concerns have been addressed.

Mr. Beck responded those concerns had been addressed and he will also be working with the Historical Society on the landscaping plan, as they proceed forward, to blend in their landscaping with Tudor Halls.

Mr. Wright provided the members with an update of what they have done over the last year. They met with DPW and addressed the parking issues. They worked with the CAC to come up with an underground infiltration trench that will collect all the run-off from the impervious area on the site and it meets the requirement of the IDA's ten-percent rule for MDE. They met with Mark Grant who was going to send a letter to the Council verifying what we did. There is an existing ditch and we looked at what we could do to improve it. It is very overgrown, we

determined we could clean it up and put in a riprap for about 30 feet and make it a ditch that DPW will approve. This will be included in Phase I. Soil Conservation wanted us to do the site in two Phases.

Mr. Wright stated that Building A will be the first upper site to be developed. Half will be done and stabilized with controlled devices before final asphalt to install the SWM facility under the pavement and final grading. This will also be done in Phases so that the site will not be torn apart all at once.

Member Collier asked if the buildings would be built in Phases too? The first page of the plan is different then what you are telling us.

Mr. Beck replied yes, they intend to build Building A first, and then move on to Building B, but it is not reflected on the plan.

Chairperson Moulds asked Ms. Miller for comments.

Ms. Miller stated that the site fronting Courthouse Drive is 2.1 acres in size. The current site conditions are grass with some trees present. Two (2), three (3) story office buildings are proposed, Building "A" is 18,000 gross square feet and Building "B" is 15,000 gross square feet. Copies of the September 27, 2004 & November 15, 2004 Planning and Zoning Commission meetings are in your packets. The height of the three-story building was a concern in relation to Tudor Hall. The applicant has met with the Historical Society and has stated that all their concerns have been addressed. SWM and Water Quality – proposed is an underground storage facility. This will provide for water quality, recharge and channel protection volumes. Plan revisions were sent to DPW and R.A. Barrett response letter to DPW is enclosed in your packet. Still pending are the final comments. Courthouse Drive is a St. Mary's County Road and the applicant is required to obtain road entrance approval. A permit from the St. Mary's County Department of Public Works is pending. The proposed sidewalk along Courthouse Drive is on County property. County approval is required and that is also pending. CAC – they are awaiting an approval letter. SCD approval is required and is currently under review and is pending. Fire Marshall approval will be required for the buildings. The Town's WWTP staff has met with the project engineer and minor changes will be addressed. The "Proposed 40' private access easement" wording needs to be removed from the plans. This is Town property until such time that it is presented and approved by the Leonardtown Town Council. Motion needed today is for final site plan.

Member Collier stated he did not see any building/architectural drawings in the final package. If they are approving for final plan they should be included and if we move to approve it, it should be conditional upon seeing the final architectural drawings.

Mr. Beck responded that they were presented at the concept presentation and there have been no changes. He agreed they should be provided and will do so.

Member Collier asked what is the intent of having a residential lot behind the buildings and was this approved as a residential lot? There is a forested area there and is not part of the residential lot.

Mr. Wright stated there were two residential lots and one was used as a buffer for forest conservation.

Ms. Miller stated that the residential lot was on the original concept plan along with the second residential lot.

Member Collier asked about the size of the residential lot. It does not look like it is wide enough to be 80' by 100' which is required if it is a new lot. If it were a grandfathered lot that would be different.

Mr. Beck replied it is a quarter acre. There was a total of one acre. We had two lots and are not sure if it is considered a new lot or grandfathered, we will check with the surveyor.

Member Collier stated lights are shown but they are not the same as the Town lights, which is what the Town prefers.

Mr. Wright stated that they could use the same as the Town lights.

Member Collier also noted that the handicap ramp to the main entrance looks too short and has compound angles and is very difficult to maneuver.

Mr. Wright commented that they would be built to the State Highway standard, which you will find on the back detail sheet for ADA compliance.

Member Collier remarked that he did not see the comments from the Historical Society. You commented you met with them, are they going to provide us with a letter saying you have addressed their concerns?

Ms. Miller stated they did receive something and Mr. Beck agreed. Their main concern was the height of the building and the building was downsized so it would not overshadow Tudor Hall. Their other concern was the landscaping plan and that the plants blend in with their plantings so we agreed to meet with them again before we got bids from different nurseries.

Member Collier stated that another concern they had was the entrance.

Mr. Wright commented that they had a concern with the side facing Tudor Hall. This side will be for emergency access only, so that people will not be parking along the side of the road and coming into that side of the building.

Member Collier asked if they would be selling or keeping the buildings?

Mr. Beck replied he intends to keep them.

Chairperson Moulds asked for a motion.

**Member Collier moved to recommend a conditional final site plan approval for Case #136-2004, Courthouse Square Building, subject to the review of the architectural drawings and that the sequence of construction is updated, they see the off-site drainage improvements and the lighting be in accordance with the Town lighting, and the comments in the reports are updated, Member Candela seconded, motion passed unanimously.**

#### **New Business**

Case #31-06: PF Summers  
Location: Phase II, Lots 37 & 38  
Zoning: PUD

Mr. Jeff Tewell, Registered Land Surveyor with C.O.A in Prince Frederick presenting on behalf of PF Summers. They are proposing to provide better access to the house that is under construction on this Lot #500-37. There are houses under construction on both adjacent lots. The garage sits at an awkward angle to turn into the garage and they would like to take the driveway straight out in line with the end of the house.

Ms. Miller provided comments:

This request by the applicant is to allow a better driveway entrance area to Lot 37. This request does not impact either lot's building setback requirements.

Changes needed: Add a signature block for the Health Department and add a Case Number #31-06.

Chairperson Moulds asked for a motion.

**Member Candela moved to approve Case #38-06, PF Summers, Academy Hills development request for a Lot Line Adjustment as presented and to obtain the required necessary signatures from the Health Department; Member Fearn seconded, motion passed unanimously.**

**Case #23-06 St. Mary's Hospital/Frank Fearn and NG&O**  
**Location: Parcel 80**  
**Zoning: Institutional Office (I-O)**

Mr. Alan Buster with St. Mary' Hospital stated that this is an additional parking lot for employees located on the same site as the temporary parking lot used three years ago during the Hospital's last construction project. The plan has been reviewed and the road will be lined with trees that are required along the walkways. SWM issues and calculations have been produced and forwarded onto DPW. This lot will hold approximately 172 additional parking spaces for employees in the back and will have lighting to keep it safe.

The purpose of the lot is to meet the more intensive person-to-person hand off from shift to shift required by the Joint Commission of the Accredited Healthcare Organization for patient safety across the Country. The hospital is changing its shifts as required so the hospital will have double the number of employees at the same time. We have to accommodate the amount of staff and this enables us to segregate the lots for day shifts, evening shifts and night shifts, as well as the students.

Ms. Miller presented comments:

- SWM and Water quality computations and design must be approved by DPW and the St. Mary's County Commissioners for utilization of the pond on County property.
- Pedestrian circulation systems – crosswalks, walkways and they are adjacent to existing parking lot.
- Lighting and Illumination Plan still need to be addressed.
- Need to address FCA, over 40,000 sq. ft, which we received today.
- Soil Conservation District approval required.
- Case #23-06 needs to be added to the plans.

Member Fearn noted that the Case # is on the plans, the drawings used today are revised and we do show the lighting indicated by circles.

Town staff recommended to St. Mary's Hospital project staff, that it would be beneficial for the hospital to have their engineers look at both the front expansion/roadway redesign/parking expansion and this parking lot expansion project to comprehensively design a Forest Conservation area for this project and future projects at the Hospital. This has also been done at other I-O properties such as the College of Southern Maryland and St. Mary's Governmental Center.

**Motion needed on Site Plan: Approval, Approval with Conditions, denied or case tabled.**

Member Candela asked how many additional spaces does this provide?

Mr. Buster replied approximately 173 parking spaces. We are also going to give the physicians some additional spaces.

Member Collier asked how many are on a shift?

Mr. Buster replied it depends on the shift, midnights there are about 53 employees, evenings it could vary upon the day of the week, on the weekends there are less, and during the week we have approximately 950 employees and 672 full-time and 170 during the day.

Chairperson Mould asked for a motion.

**Member Collier moved to approve Case #23-06, St. Mary's Hospital New Parking Lot, Request for Concept and Detailed Plan Approval, concept/final plan pending approval**

**from DPW and Soil Conservation; Member Candela seconded, motion passed unanimously.**

**Case # 38-06 Sterling House/22770 Washington Street: Change of Use (Residential to Commercial Restaurant/Office) and New Proposed Office Building: Concept Plan Approval Request.**

Applicant: Dean Beck and Beck LLC, Developer; Jonathan Blasco, Mehaffey & Associates  
Location: 22770 Washington Street, Tax map 133, Block 4, Parcel 476  
Zoning: Commercial Business (C-B)  
Size: 1.53 acres

Mr. Bill Mehaffy stated that this is the existing Sterling house located on Washington Street. It is an acre and a half site and we are proposing to leave the existing driveway in place as a service entrance and provide another entrance for parking for the restaurant with additional parking for the office building located in the rear and staying out of a portion of the back where there is natural drainage area.

Ms. Miller provided comments:

The property is located at 22770 Washington Street, existing 3,274 sq. ft. house, proposed change in use to restaurant, 1<sup>st</sup> and 2<sup>nd</sup> floor and office 2<sup>nd</sup> floor, proposed 2 story / 14,400 sq. ft. office building, proposed parking. Included in the member's packet are some of the design guidelines and commercial business and off street parking requirement.

Discussion items:

- 2 dead end drive isles in the parking lot trying to keep circulation of the vehicles
- 20 continuous parking spaces in a row – planting islands required to break them up.
- Pedestrian access from Washington Street to proposed new office building, sidewalk connection missing or absence of crosswalks.
- It is a sensitive site for the drainage area in the back. Mr. Beck is willing to work with the Town.
- Need to address Forest Conservation
- Correct under General Notes #4: 1,000 sq ft should be 100 and .000333 sq. ft. should be 300
- Additional EDU allocation needed for the change-in-use building
- Additional EDU allocation needed for the proposed new 2 story building
- Parking fees-in-lieu are being required for at least 10 (or more, depending on site design revisions) parking space for the proposed new building

Mr. Mehaffy stated that one of the easiest discussion items to address is the parking tabulation. He calculated out the factor that would give them the number of parking spaces per square feet instead of using the three spaces per 1,000 sq. ft.

Ms. Miller remarked that some of the issues are the restaurant and the change in use.

Chairperson Moulds commented that this is zoned residential, will it be changed?

Ms. Miller stated that it is zoned for a restaurant in commercial business and we would have to look at a change of use and the required EDUs.

Mr. Beck stated that this is a lovely old house and would lend itself well to a restaurant with some changes in the kitchen area, something similar to Old Field Inn. They will do mostly lunch and evening dining, with upstairs and downstairs dining and possibly some tables out on the porch. He is not intending on running it himself and is looking for someone to run the restaurant. The house needs quite a bit of work, such as, new windows, new siding and repairing the roof and plans to keep the same look.

Member Collier commented that an office was mentioned.

Mr. Beck stated that in order to move forward with this project, they plan to build an office building in the rear. There will also be some second floor office space for restaurant use only.

Chairperson Moulds commented that we were looking to increase the retail in the downtown area and asked Mr. Beck if he would consider including a gift shop to draw in some retail.

Mr. Beck replied that he could do that and it would help with the parking requirements.

Member Candela stated that he is apprehensive regarding the historical troubles of considerable sediment and erosion problems on this project, as well as, the adjacent properties and is concerned whether this will exacerbate the problem that exists today.

Ms. Miller responded that she met with Mr. Beck to look at this problem to address it comprehensively, as this site is very close to the Town public parking lot and does have a drainage issue. We have determined, with State Highway, that it is coming from that entire end of downtown not just the parking lot. Mr. Beck said he would be willing to look at it from his property. We met with the Army Corp of Engineers and Soil Conservation and they have some suggestions that would be considerably less expensive than what SHA proposed for several million dollars. We are trying to address this comprehensively, not just with this project and the streetscape project, but looking at what we can do with the parking lot that exists and trying to do some of the smaller fixes.

Member Collier agreed that the whole area needs to be fixed because it is filling in Breton Bay and we have considerable problems with that.

Member Candela also agreed and stated he does not understand how it has been allowed to go uncorrected all these years; it is not a new issue.

Member Fearn asked if the plans show steps from the sidewalk to the entrance off of Washington Street. There is a considerable bank there and will that have to be cut down?



Mr. Mehaffey replied that it is a handicap ramp for wheelchair access. And the bank would have to be cut down. The existing building has a retaining wall to the south, raising the grade two to three feet, and we envision that will be brought down to that level. We show existing grades on these conceptual plans and some changes will need to be made. The property is currently being surveyed, along with a field run topo.

Member Collier noted that it shows a good twenty feet drop in the back where the office and parking lot are located what is the intent there, cut it down or raise it up?

Mr. Mehaffey remarked that they envision coming in on a downward direction off of Washington Street but to make it handicap accessible it will be relatively flat. The main thing we intend is that the building will be accessed at the higher level and the back of the building would be accessed at the lower level. It looks one-story from the front and two-story from the back. This helps the house look over the office building and is one reason we placed the office building on that side of the property.

Member Collier stated that he likes the idea of keeping the old house and making that a viable business but does have a problem with having a separate office building. One concern is the elevation, which has been addressed, but my biggest concern is parking. There does not appear to be sufficient parking for what is proposed.

Mr. Beck remarked that he could make the kitchen area one-story and use half the rooms above to get the parking down but he is trying not to change the characteristics of the house.

Member Collier stated that he is citing the zoning regulations. You also state you are taking a reduction of 33% because of shared office and restaurant space, but there is no such condition in the zoning. There will be times the restaurant and office will be open some at the same time. The zoning clearly does not provide a reduction of this sort therefore, you are short a considerable amount of parking spaces. You show a requirement of 81 spaces but you will be short 36 spaces, over 40% shortfall of parking and I don't find that acceptable.

Mr. Beck commented that you don't want to see any fees in lieu, even though the ordinance allows that?

Member Collier replied that he does not believe fees in lieu of parking is appropriate here. There isn't a handicap or a hardship. The office building is creating the hardship. You need to re-look at the office requirements and have all the parking accommodated. Refer to Article 155 – 49 and Article 11 - Off Street Parking. He does not see where 40 some parking spaces in Town exist to accommodate the shortfall. He stated you are over building the lot and the office building needs to be downsized. He did not see a conceptual design of the office building and it should be part of the complete package

Mr. Beck noted that he is not disagreeing. His plan was to bring this project forward for discussion to work out these issues. We are looking at acquiring some additional property in the area and that may help.

Member Fearn commented that we did some creative SWM previously in the Town parking lot, could you do something similar?

Mr. Mehaffey stated that they did look at that, and in fact, they did the lot out front, which set the standard for that design and we are looking at the kinds of things we can do.

Ms. Miller stated that Mr. Beck would like to proceed with the restaurant, but was not sure if the members would have an objection to the office building. He will need time to develop ways to address the parking.

Chairperson Moulds commented that the restaurant is a very good idea and it is okay to have an office building back there but there needs to be some solution for a pedestrian walkway and a parking lot that would meet some of the requirements. The office building is not seen from the street, which is a big advantage.

Mr. Mehaffey stated that you are correct when you say that your ordinance does not allow for reduction of parking spaces for uses like this, however, the County does have such a provision as that and it was an idea we thought was warranted for discussion so we put it on the plan to discuss. The parking provided meets all the parking required for the restaurant and office building individually, it is just the overlap that is concerning.

Member Collier remarked that I know you are trying to argue your case to have a reduction but you will have an office building with people that want parking spaces and then a restaurant that will be operating at the same time as the people working, and at lunchtime there will be an overlap. What will you be doing with all those cars? There is no parking along Washington Street and we have one parking lot on that side, but that is used quite a lot and would not provide enough spaces. In the end, the restaurant will be hurt and people will go someplace else, easier and more convenient.

Member Candela asked if you have looked at the adjacent Hunt property that has been for sale?

Mr. Beck stated that the property is in probate right now and they are on a call list. He did ask Mr. Norris to look into an easement or inquire about the other property next door. An easement to connect everything would help with the flow.

Member Collier commented that if you get the office building sized down and get some of the other land it would help with the parking. That would be a workable plan, but right now it will be difficult.

Mayor Norris stated that Mr. Beck is willing to look into the other property as potential parking and the Town is looking at other parking too. It is important to look at this from an economic standpoint. That to retain our old buildings and to make it work, they do have to provide parking but they also need the office space to make this project work.

Ms. Miller commented that this does fall into the PIRD so it is something we want to make workable and move forward.

Mayor Norris remarked that Mr. Beck needs to get started with the restaurant restoration and then work the parking details.

Chairperson Moulds commented that most are in agreement they want to see the house stay and changing it into a restaurant would be an excellent way to preserve the old house. This is the type of thing that draws people to Leonardtown to see the old homes. We can work on some of the parking problems, but you have a good start.

Mr. Beck responded that we would work on getting more parking either on this site or on adjoining properties.

Chairperson Moulds stated that you understand if we get clog up downtown, then we will hurt the entire downtown area and all the businesses.

Mr. Beck stated that we want to make downtown the destination sight and people will park in one spot and walk, as our downtown lends itself well to walking, so you don't necessarily need a parking space for each and every business.

Member Candela commented that it is a good thing if parking being provided by the Town is accessible to the property that is applying for the fee in lieu of. We have heard that our Town parking lot is already full during the day and the Town's parking lot cannot resolve your issue because it is already filled to capacity. The issue of parking is important and mostly important to you because people will not come to your property if they cannot park reasonably close to it. I think the success of your project is having the appropriate parking. I think it would be a big asset to the Town to have an Old Field Inn type restaurant but when it comes to the office building, I am not in favor of fees in lieu of because you really need the appropriate parking.

Mayor Norris stated that ten years ago we were saying you could park anywhere you wanted to in Town and now we are saying we are having a parking problem. This is a good problem. The Town has an obligation to provide parking more than we have and we may have to look at the fees we are charging as we are expanding and we want to encourage people to build in Town. We have to recognize the need for the Town to provide parking. In this case, we plan to work together to see what we can do to solve this problem.

Member Fearn asked if the Town has a parking plan?

Mayor Norris replied that we do have a Downtown Parking Plan. The new Town parking lot will ultimately be a parking garage, which is why the town purchased that land. The Town needs to look at other areas, such as behind the Post Office and other places for potential Town parking.

Member Candela remarked that one way a restaurant can utilize off-premise parking is to provide valet parking for their customers.

Mayor Norris stated the he had spoken with Mr. Beck who wanted some indication from the members that he could move ahead on the restaurant concept, but would continue to work on the parking issues.

Chairperson Moulds stated that we could make a motion for approval of the concept plan for the restaurant with a condition that we continue to work with and review the parking problem.

Member Candela asked if it was feasible for them to move forward with the restaurant as a separate project or do they need the total project in order to move forward with the restaurant?

Mr. Beck replied that we are going to move forward with the outside of the house making it sound but were looking for some assurance that they can place an office building in the back to make it economically feasible to move forward.

Chairperson Moulds stated that we are willing to say that we agree, but want to leave it open to discuss the parking options as you acquire more land or come up with more parking close by or reduce the size of the office building.

Member Fearn commented that you could reduce the footprint of the building and give yourself some more parking spaces.

Mr. Mehaffey asked to be included in the sediment and erosion issues.

Ms. Miller replied that the plan is to have a joint meeting to discuss the issues and she will keep him involved.

**Member Candela moved to approve Case # 38-06, Sterling House located at 22770 Washington Street, the concept plan of converting the Sterling House into a restaurant and building an office building in the rear; providing that the issues regarding sediment and erosion problems with the property, and parking issues are addressed, as well as, the other discussion items; Member Collier seconded, motion passed unanimously.**

#### **Monthly Permits:**

Member Candela inquired in reference to the Mattingly property, where it states that WM Davis has applied for a building permit to put up a new façade, do we have any idea what the building will be utilized for?

Ms. Miller responded that the Train store, SideTracks, will stay there and Mattinglys has given notice to its employees. Mr. Davis is currently looking for another grocery store or something similar but no definite plans at the moment.

Town Council Minutes: No questions.

**Member Collier moved to adjourn the meeting at 4:55 p.m., seconded by Member Candela, motion passed unanimously.**

Respectfully Submitted:

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Teri Dimsey, Recording Secretary

Approved:

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Jean Moulds, Chairperson

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Frank Fearn, Vice Chair

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Jack Candela, Commission Member

\_\_\_\_\_  
Tom Collier, Commission Member

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Absent  
Gary Simpson, Commission Member