

Commissioners of Leonardtown
Leonardtown Planning and Zoning Commission Meeting
Monday, June 19, 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; Al Olgetree, Resident; Terry Wright, R.A. Barrett; Jim Bacot, Brooks Run, Inc; Leslie Roberts, Councilmember; Jason Babcock, The Enterprise; Mr. Alan Buster, St. Mary's Hospital; Robert Switala, Bergmann Assoc.; and Dan Burris, LBA

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

The meeting minutes for the May 15, 2006 Planning and Zoning Commission meeting are presented for approval.

Chairperson Moulds entertained a motion to approve the May 15, 2006 meeting minutes, Member Collier moved to approve the minutes, seconded by Member Fearn; motion passed unanimously.

Town Administrators Report – Laschelle Miller

Soap Box Derby – At the June 12, 2006 Town Council meeting we had the Soap Box Derby winners there for a presentation.

Residential Fire Sprinklers – Presentation by the Leonardtown Fire Department.

Charter Amendments and Ordinances - A number of Ordinances will be coming forward to the Council to prepare for the new developments coming in and being able to enter into developer agreements and public works agreements.

- **Charter Amendment #06-1** – First Charter Amendment brought forward and passed. It refines the language already in the Charter, allowing the Council to charge water

- and sanitary sewer fees and will be in effect in 50 days. It is advertised four consecutive weeks in the paper for public comment
- **Ordinance #125-06** – Introduced at the June Town Council meeting and on the July agenda. This is for the purpose of establishing the requirement for public works agreements in large new developments.

Old Town Trucks Bid – We received sealed bids to sell the old town trucks and the bid was awarded.

Part 2 – Engineering and Design Expansion Agreement – Issued to Stearns and Wheler for the Land Application portion. In August 2005 we issued the contract for the Design and Engineering for the upgrade portion.

Leonardtown Wharf Update – Construction trailers are now on site and activity is beginning. Demolition will start sometime in late July with the sediment erosion control setup first. We held the first pre-construction meeting which was well attended and very successful. We did receive an additional \$1.1 million in the County budget for the Wharf Project and we also received tentative word of some additional State funding that is coming. Council issued the Notice to Proceed to complete Phase 2 which will take us into next summer and will get the majority of the work done.

Mark Grant, Capital Projects Coordinator, and I will be overseeing construction and management of the project with just limited participation from the Design Team, which are a number of different engineering companies that worked the design with us. We will be contracting with them on an hourly basis to bring in their expertise on an as needed basis for different Phases of the entire contract.

Streetscape Project Update – The Town will be moving forward on upgrading the water and sewer lines within the Streetscape Project that extends from Route 5 by BurchMart, coming into the lower square and turns down Fenwick Street, all the way up to Ryken. That is the scope of the Streetscape Project that State Highway is doing and before they redo the streets, we are going to upgrade the oldest sections of our sewer lines in Town. This will be going out to bid in September with construction hopefully starting in late fall. That will be the beginning of an 18-month Streetscape Project.

Irrigation System – Council had approved, in the 2007 budget, an irrigation system for the Town Square to protect the investment made in the plantings over the last several years. They awarded the contract to begin work.

Town Clock – The new clock has now been installed.

New Business

CASE #49-06: Lot 61-41881 Jenkins Ct., Academy Hills----5 foot Variance Request for Rear Yard to install deck.

Applicant: Alvin Ogletree, Owner
Location: Lot 61-Phase Two Academy Hills Subdivision
Zoning: Residential Single Family

Enclosed:

- **Property plat - existing conditions**
- **Application for variance by home owner**

The owner, Alvin Ogletree, is requesting a variance of 5 feet for the Rear Yard setback to construct a 20'x12' deck in Academy Hills. You will be making a recommendation to the Appeals Board and then we will set up a Board of Appeals hearing.

Mr. Olgetree commented that he would like to put in a normal sized deck. His house is the only one on that street that sets back due to the slope of the front yard and is requesting a variance. He spoke with his neighbors and no one has any objections

Ms. Miller commented that the requirement is twenty-five feet and he would have a twenty-foot setback.

Member Candela notes that the variance Ordinance does say that you have to have one of the reasons, and one of the reasons states "reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the enactment". I think that because the setback is caused by the topography of the lot that would make the variance request reasonable.

Member Candela moved to recommend to the Board of Appeals that a variance be granted for Case #49-06, Lot 61, 41881 Jenkins Court, Academy Hills due to the topography restrictions and reasons noted in the Ordinance, Member Collier seconded, motion passed unanimously.

Old Business

CASE #07-05: Old Lumber Company, LLC- Courthouse Drive/Fenwick Street, Map 133, Parcel 361- Pre Concept Discussion

Property Owner: Dan Burris
Developer: Jim Bacot, Brooks Run Builders and Lifestyle Designs
Zoning: Commercial Business (C-B)
Critical Area: IDA

Ms. Miller comments:

Proposed on owner's lot:

- 1 L-shaped building: 4 stories with a 6,000 sq ft foot print
- 24 parking spaces shown

There is an adjacent lot owned by the Town and we have had previous discussions about the possibility of Mr. Burris expanding the parking and putting in additional parking that would serve his development along with public parking. This would first require Council approval.

Proposed on Town Lot:

- 43 parking spaces shown

As stated in the applicant's letter they will be requesting a variance for parking and building height.

- Joint use of off-site parking will first require approval from the Mayor and Town Council, and then go through the Special Exception process as stated below.
- Maximum Height 3 stories, 45 feet

Multiple family dwellings, conditioned upon demonstration of strict compliance with the off-street parking requirements of Article XI.

Mr. Burris is looking for comments from the Members on how he is proceeding before he goes into engineering the project.

Mr. Burris noted that the Members had before them a letter and photographs displaying the building concept.

Mr. Burris commented on the height restriction and that a variance can be allowed as long as it doesn't infringe upon the adjoining properties, which is the sewer plant. The building will be situated downhill and looking downhill from the Town it will not appear four stories and not be taller than the other buildings.

Ms. Miller noted that one of the issues in the downtown area was not to have buildings taller than the Courthouse or First National Bank as those would be the prominent buildings in the Town. This is at the bottom of the hill and does not seem to conflict.

Mr. Burris introduced Mr. Jim Bacot, builder/developer working with him on this project jointly.

Mr. Burris explained that they are looking at providing a first floor with mixed used retail/office combination, second floor office condos and third/fourth floor will house two story apartments/condos.

Member Candela asked if he felt people would want to live next door to a sewer treatment plant?

Mr. Burris responded that if you look at the site plan, the building will be placed more to the front part of the lot and the tree line will stay in place, shielding the plant. There is also one area that we build a retaining wall.

Member Moulds asked if there is a sidewalk space and if so would there be any plantings?

Mr. Bacot responded they would work with the Streetscape Project to incorporate plantings.

Member Candela commented that regarding the issue of multi-family dwelling parking and having to comply with off-street parking, will there be sufficient parking spots on the designated property to take care of the dwelling parking and reserved for the residents of the building? The businesses of the building would then be required to use the off-street parking.

Mr. Burris noted that they are looking at eight units and yes, there would be sufficient parking reserved for the tenants and the businesses would use the off-street parking.

Mr. Burris commented that the other site was designated for public parking and included in the parking study that the Town did a few years ago.

Member Candela asked if they would construct the parking?

Mr. Burris noted that they are constructing the lot and not accepting the parking-in-lieu of fee and that the SWM for the lot would be underneath the parking lot.

Mr. Burris noted that they need 53 parking spaces.

Member Candela remarked that they are proposing 24 town spaces and 43 spaces on his site, for a total of 67 parking spaces, which is 14 parking spaces more than required.

Member Collier commented that he is concerned with building four stories. Diagonally across will be townhouses and then along Courthouse Drive there are plans for office complexes going in which will be three stories.

Mr. Burris noted that they will be coming down the hill and those buildings will actually be higher than this four story building.

Member Collier still feels that the Town is set up with three stories being the limit and it should stay that way and not open the door to a variance for a four story as this would set a precedent that would be hard to maintain. Also he noted that the architectural drawings do not match what the Town has in mind to the buildings within the Town limits. The current Town office buildings are brick and do not have porches, the style should follow the downtown architectural designs similar to the Drury Building.

Mr. Burris responded that they are not looking for architectural approval at this time but will keep it under consideration. He noted that the Carousel building, which is one of the oldest buildings in Town, does have porches.

Member Moulds noted that many of the Town buildings are all brick and this street has a majority of buildings in brick, she suggests keeping it more traditional. The four stories could be considered for a variance but would also not want to set a precedent for other buildings within the downtown area.

Member Candela agreed that he also has reservations about four stories and setting a precedent. In granting a variance, the Appeals Board would look at the Ordinance which states “such granting of variance shall comply as nearly as possible in every respect of the spirit and intent of the code”. I do not see anything in the code that encourages four stories and also variances are not supposed to be for reason of profit and certainly having an extra story would be more profitable.

Mr. Burris noted that was true, but you would also look at the additional cost of the Town parking lot they will be putting in. How about a three story building with a pitched roof instead of an attic area, incorporating that into the condo apartments, this would be a one and half story rather than two-story and not increase the size of the building? It would bring it down to 45 feet with dormers, which the zoning would allow. It would be three and half stories but will stay within the 45 feet.

Member Moulds asked Ms. Miller if having three and half stories with dormers would require a variance if they stayed within the 45 feet if they put another story with dormers?

Ms. Miller responded she would have to look into that.

Member Moulds asked if the tenants would have individual balconies.

Mr. Bacot responded they would not be individual balconies but a balcony walkway.

All agreed it would work for a more traditional look and to keep within the 45 feet height requirement.

CASE # 133 – 05: AUTO ZONE, SHOPS AT BRETON BAY: REQUEST FOR FINAL SITE PLAN APPROVAL

Applicant: Auto Zone
Engineer: Robert Switala/Bergman Associates
Location: Shops at Breton Bay, Side lot Out-parcel
Zoning: Commercial Business (C-B)

Included in the P&Z packets:

- March 20, 2006 Meeting Minutes
- Site Plan

Discussion Items:

- Site Plan and Storm water management packet sent to DPW on 5/26/06-comments pending.
- Fire Dept- Comments include a strong recommendation for a lockbox of make and model approved by the Fire Dept.
- Comments from P&Z minutes of March 20, 2006, sidewall changes needed for Rt. 5 side were not made.
- Must have FCA signs and fencing installed for work within 50' of FCA area. (Pavement is proposed within 4 to 11 feet of this FCA).
- Will loading zone be marked?
- Lighting style indicated does not match town or Shops of Breton Bay site lighting.
- Sign detail must be approved (maximum 100 sq. foot).
- Water and Sewer-Comments pending from utilities staff.

Action Needed: Final Site Plan approval, approval with conditions, tabled or denied.

Mr. Robert Switala commented that they took some of the recommendations the Members had from the Concept Plan Approval and would like to touch upon the things that were changed:

- Put the entrance in a more centralized location for the parking.
- Discussion about frontage along Route 5 and included windows as well and a smaller AutoZone sign.
- Building is brick with beige coping on the top and is consistent with the shopping center.
- Columns were added to break up the solid face of the wall.
- Took out the islands to ease traffic circulation.
- Stormwater design submitted to the County and waiting for review; most is flowing off-site and down towards the basin.

Mr. Switala noted that he will address the comments.

- SWM has been submitted and are awaiting comments. They do not expect any issues as there is an existing basin on site.
- Fire Department recommended a lock box. AutoZone has used them in the past and will coordinate with the Fire Department on what model they would like to use.
- The wall issue he is not clear on.

Member Candela commented on the wall and explained that the previous minutes note that Member Collier stated that the intent of the Ordinance is that the building should be facing the main street, which is Route 5, which is the way all the other buildings are facing and the minutes say "Mr. Wright proposed the building to have two fronts. The side wall can be shown as a front and also have a front design that is facing Route 5." So in essence, the way we left it was that you would have it look like there were two fronts to the store with the actual entrance facing the parking lot. Your plan continues to show just a sidewall.

Mr. Switala noted that the main entrance was moved due to the discussion to line it up with the parking.

Member Candela noted that that is not the issue. The issue is the other side that faces Route 5 and the intent was that this would look, from Route 5, the same as the front entrance, so that when people would drive down along Route 5, it would look like it is the front of the building. But, the front entrance would actually be in front of the parking lot. And, the highway signs to look more like the parking lot signs.

Mr. Switala commented that it could be done with the top band with the beige and we could move the door over and add another window for a more appealing front entrance look.

Mr. Switala remarked that the fourth comment regarding the Forest Conservation Area, they have a note on the plans that this area will need to be fenced and protected. It is not part of the lot.

Another comment was will the loading zone be marked? Mr. Switala remarked that they will provide but do not show the striping on the plans. It will be striped and they will comply with our Ordinance.

Mr. Switala continued with the lighting style. He was in the shopping center today and there are two different styles, a shoebox fixture and then also a more decorative fixture. He believes they can incorporate both of them, but he does not have this information and once he receives, they will incorporate into the lighting layout.

The sign detail they are proposing on the front entrance facing the parking lot is a total of 114 sq. ft., which includes the AutoZone and the stripes painted orange and red. The other sign is 44 sq. ft. We are looking for a total signage square feet of 158. The big reason they would like to have this is that they do not have a pylon sign on this center, only one small sign and coming down south along Route 5, AutoZone would be difficult to see coming down the hill.

Member Collier noted that if you changed it to what we were discussing earlier you would have more visibility.

Member Candela remarked that it would require a variance because the two signs combined would exceed the 100 sq. ft.

Ms. Miller noted that they would be allowed a monument sign as well but they are not proposing a monument sign.

Mr. Switala commented that they were under the impression that no new pylon signs would be proposed in this shopping center.

Ms. Miller remarked that it would have to be on your site which was the issue. It would have to be a low design sign.

Mr. Switala noted that they could put one up but it will be low and still difficult to see.

Member Candela remarked that we would like to see two fronts and that would require more square footage of sign than the Ordinance calls for and would require a variance.

Mr. Switala noted that AutoZone does have different signage packages and could be changed.

Member Candela remarked that what you do on the front entrance (facing the parking) should be duplicated on the faux front (facing Route 5).

Member Collier noted that if they stay within the total square footage proposed right now that would be 158 sq. ft. total. If you could do two identical signs, but keep within the 158 square foot requirement and shrink the striping, we could make an exception as we are asking for two fronts. Mr. Switala agreed.

Mr. Switala again commented on the water and sewer and does not anticipate any issues.

Member Collier remarked that the road that exists there now for the Memorial Gardens, you are not touching any of that?

Mr. Switala responded they are not. He referred to the drawings and noted that the plantings along that road will not be touched and will be protected. They will be adding more additional landscaping and can include plantings along the faux (facing Route 5) entrance.

Member Moulds asked if they moved to approve the Final Plan today, how would the variance issue be handled?

Ms. Miller remarked that the Members could give him leeway, as you are requiring extra signage on the building and they do not have any monument signage. If you approve, and give him the guidelines and he stays within those guidelines, that it would not have to go the Board of Appeals, as it is less signage than allowed overall. If you give approval today, it would be up to staff to make sure the changes were made or you could require it to come back.

Member Candela moved to approve Case #133-05, AutoZone, Shops at Breton Bay, Final Site Plan Approval subject to adding an additional window, duplicate signage on the front entrance and faux entrance, door moved around the corner (facing Memorial Gardens), the lighting be according to the Town's approved lighting, the striping be placed in the loading area, additional shrubs planted along the faux entrance, Member Fearn's seconded, motion passed unanimously.

Ms. Miller asked for clarification on the two different lighting styles in the shopping center.

It was decided to match the parking lights already in the shopping center for the parking lights which are the shoebox style and to work with the Town staff to finalize.

CASE # 154 - 05 ST. MARY'S HOSPITAL: FINAL SITE PLAN APPROVAL REQUEST

Applicant: St. Mary's Hospital
Engineer: NG&O, John Norris
Location: Parcel 80
Zoning: Institutional Office (I-O)

Proposed:

Building Addition – 7,177 sq.ft.
Ambulance Canopy Addition – 2,818 sq. ft.
New Parking Spaces – 104
New Vehicle Circulation Patterns

Discussion Items:

- Stormwater management must be addressed
- DPW comments pending (received 1st comments 6/15/06)
- Forest Conservation comments pending
- Fire Dept. comments attached. Have these items been addressed?
- Soil Conservation plan sign off pending (received 6/15/06)
- Per DPW comment #4- At least a few parking spaces should be removed at intersection for cars backing into the travel lane at roundabout
- Lighting plans not found for parking lot area
- Buffering between parking lots and adjoining uses
- Buffering between institution zone and residential zone and use.
- Add Case Number to plans.

Member Fearn noted that the Burch property has requested the hospital keep the tree buffer along the drive.

Mr. Allan Buster remarked that they have addressed everything the Board has required, landscaping, sidewalks, crosswalks and the lighting plans and is interested in comments from the Board.

Member Candela remarked that he would like to go on record as having a problem with the whole concept. You received concept approval two months ago but I still think you have a dangerous situation. Also, there is an issue on the plan that needs to be corrected. In order to get to these parking spots that tree does not belong there.

Mr. Buster noted that there is a dotted line indicating demolition area and that tree will be removed.

Member Candela also remarked that if you look at the June 14, 2006 letter from the County Engineer, Margaret Lewis, she has the same concerns about the circulation plan and the perpendicular parking is not recommended along Drs. Crossing and it needs to stay at least a twenty mph design speed.

Mr. Buster remarked that this is not Drs. Crossing, this is the hospital's parking lot and so these spaces are in our parking lot. I understand what you are saying, but this is and has always been our parking lot, so we are taking advantage of our parking lot to create more room. Just last week our license bed capacity in 2005 was 84, we received word from the State that our license bed capacity is now 105 based on census for the last twelve months, therefore, we do not have enough parking and is one of the reasons we are expanding as we redo the hospital. We are doing this because there is a major need.

Member Collier remarked that he has to act on Member Candela's concerns. He did vote in favor, but the more he looks at this, the more and more reservations he has and thinks you are headed down a path to create more hazards than what exist now, especially with the parking backing out into the travel lanes.

Member Candela commented that he had spoken with Christine Wray at the Taste of St. Mary's that his concern is the 80 yr old drivers that come onto your campus and their confusion getting from Drs. Crossing Way to your main entrance. I can see them going straight across and not utilizing the island.

Mr. John Norris responded that the use of roundabouts is not that old, although this is not your standard roundabout. He understands Member Candela's concern about the striping that will be on the pavement may not force the folks in that direction. For future use, the hospital has reserved sufficient land between the properties and there is the ability to be able to provide cross connections if necessary. Public Works have also recommended that a couple of the spaces close to the painted island come out and this is a tough call for the hospital as they need the parking spaces. I think this is a good compromise for what the hospital is trying to do and to meet the Town's needs, although I know you are not totally pleased with it.

Member Candela also observed that Mr. Buster states that Drs. Crossing Way stops at the property line, however, in the development of the Clark Farm it is the intension that a light be placed at the intersection coming out of Clark Farm that would eventually also serve Tudor Hall. The Town intends to extend Drs. Crossing Way into the Clark Farm and will be a major thoroughfare. His concern is the people coming from Clark Farm, Route 5 and Singletree into the hospital property. I do not have a problem with the straight shoot ins from the main drive, my concern is the amount of traffic that will eventually be coming from Drs. Crossing Way.

Mr. Buster responded that he would have to disagree. The people he is worried about are the people that are using it as a thoroughfare that are causing near accidents now with the patients crossing the street and using it as a through street. We have added speed bumps, added signs, painted areas in the asphalts, to no avail. The folks that want to use this to avoid congestion at Route 245 and 5 do not want to use Moakley Street as it is difficult to see. I get the impression that you want the hospital to fix that problem. That is not our business; our business is to take care of patients and to provide parking for our visitors and patients.

Mr. Norris commented that what is going to happen with the Clark Farm is they are going to need a traffic light.

Member Candela responded that whoever comes in by way of Drs. Crossing Way is going to have to deal with the roundabout and will want to go the wrong way.

Mr. Norris noted that they will follow the painted isle and will control the flow by their eye and by direction and will follow the painted isle.

Member Fearn asked where they were with swm and also address the Forest Conservation comments.

Mr. Norris responded that they are waiting on comments from both Public Works and FCA.

Member Fearn noted that he had the Fire Department comments and spoke with Mr. George Duke and Mr. Gerald Gardiner regarding the department's comments and needs. They were concerned with the roadway on the right side of the building, that it be at least 15 feet in width to accommodate the pumper backing up to the dry stand pipe hookup and the plans show it is 15.5'. They also wanted roll type curbs which were added. They also requested a second lock box in the back of the hospital and this has been ordered. They requested the stairwells be marked on the inside and outside of the doors with a five inch scotch light reflective materials and we are complying, work is in progress.

Member Candela asked if there were any issues regarding the St. Mary's County Public Works as they have 18 items listed.

Ms. Miller responded that they will have to resubmit.

Mr. Norris remarked that there is really nothing of substance there, just standard items that are easily taken care of.

Ms. Miller commented that you could give final site plan, pending whatever items you want to make sure are addressed, such as Public Works, FCA, Fire Department, Soil Conservation, SWM, DPW, adding case number and any changes to the parking areas that you wanted to make.

Member Collier asked what the hospital's plan is after this addition? Are there any plans or more additions near term?

Mr. Buster responded that in our ten-year capital plan, we have talked about a new wing off of the back end of the hospital but that is a long way off. There are other interior renovations to do first that would add services within the hospital. This was a banner year and we are 22% above admissions from what we budgeted and we are stretched.

Member Candela asked if there is a section of the last addition that has not been completed.

Mr. Buster responded yes, on the third floor there was a shell space and it is a comparable size that we could finish and would add ten more beds and also a shell space at the back of the hospital on the first floor which is designed more for offices and administrative uses.

Mr. Norris noted that where you will see an impact as Tudor Hall, Clark Farm, and Leonard's Grant develop and the census may not bump up but the proximity of the people to the hospital generates much more work.

Member Fearn noted that the emergency room renovation has allowed the hospital to expand to the north side of the building.

Mr. Buster noted that the architect has designed another pod double the size of the current pod but the helipad would have to be moved and topography lines would cause issues.

Member Collier commented that he hopes when they discuss expansion at the rear of the hospital that they address the traffic circulation around the entire building.

Mr. Buster responded that the future drawings do address those issues and that if there are issues that occur in the front with this plan that the hospital will work to correct it.

Member Candela moved to approve Case #154-05, Final Site Plan Approval be granted subject to the issues discussed today, review of the DPW letter, Fire Department concerns, FCA, Soil Conservation and SWM still pending get resolved, Member Collier seconded.

Discussion:

The Members would like at least two parking spaces be removed for safer parking at the junction of the main entrance and the parking lot.

Member Candela amended the motion to remove at least two parking spaces at the junction of the main entrance, Member Collier seconded, Member Fearn abstained, the amended motion passed with three members voting approval.

Monthly In-House Permits – No Questions

Town Council Minutes – No Questions

Member Collier moved to adjourn the meeting at 5:00 p.m., seconded by Member Candela, motion passed unanimously.

Respectfully Submitted:

Teri Dimsey, Recording Secretary

Approved:

Jean Moulds, Chairperson

Frank Fearn, Vice Chair

Jack Candela, Commission Member

Tom Collier, Commission Member

Absent

Gary Simpson, Commission Member