

Commissioners of Leonardtown
Leonardtown Planning and Zoning Commission Meeting
Monday, September 18, 2006 ~ 2:30 p.m.

Attendees: Jean Moulds, Chairperson
Dan Burris, Member
Frank Fearn, Member
Dave Frock, Member

Absent: Jack Candela, Member

Also in attendance were: Laschelle Miller, Town Administrator; Jennie McGraw; Plans Reviewer; Teri Dimsey, Recording Secretary; Mayor Norris, Leonardtown; Bill McKissick, Dugan, McKissick, Wood & Longmore; Andy Bice, Quality Built Homes; Tom Bennett, Dept. of Public Safety, SMC; Terry Mentzos, Resident; Gary Whipple, DPW, SMC; Joseph Luke, Business Owner; David Hall, D&G Kustom Signs; Jacob Kawchury; Dean Beck, Beck Enterprises; Bill Mehaffey, Mehaffey & Assoc.

Chairperson Moulds called the meeting to order at 2:30 p.m.

The meeting minutes for the August 22, 2006 Planning and Zoning Commission meeting are presented for approval.

Chairperson Moulds entertained a motion to approve the August 22, 2006 meeting minutes, Member Fearn moved to approve the minutes;

Discussion:

Member Fearn noted that Ms. Dimsey stated that in the minutes the motion to approve date of July 19 was incorrect and should be changed to the correct date of July 17, 2006.

seconded by Member Frock with changes indicated, no further discussion; motion passed unanimously.

Town Administrator's Report – Laschelle Miller

Resolution 3-06 – Resolution to annex 14,009 acres along Rt. 5 – For a number of months, David Hall (D&G Kustom) and Dr. Luke have been pursuing annexation into the Town and the Commission will be hearing more about this case later on the agenda.

Historic Leonardtown Walking Tour – Included in your packets is a copy of the long awaited Walking Tour brochure, which highlights the different architectural features throughout the Town of Leonardtown. This project was a joint effort of the Commissioners of Leonardtown and the St. Mary's County Tourism department. The tour is self-guided and the brochures will be available at local businesses. An official kick-off will be planned in conjunction with Earth Day next year.

Leonardtown Wharf Update – This project is on schedule with a slight delay due to the weather. Test piles have begun to be driven. All old piles have been removed, as well as the bulk head. They are putting in some of the circle for preparation for the Compass Rose.

Doctor's Crossing Improvements – CA Bean completed the Doctors Crossing improvements quickly and painlessly. I have heard thank you from many people.

Streetscape Water and Sewer repair bid – Bid opening is scheduled for September 27, 2006. Streetscape with State Highway along Washington and Fenwick Streets is coming along right behind and will be going out to bid this month as well. They will be starting in late spring of next year.

Repaving along Route 5 – They started milling, it will be a several day process, working at night mostly, paving from Moakley Street to Route 245 and then restriping out to Route 243.

NEW BUSINESS

Case # 2-06: Annexation:

Bowles Property, SMECO property, Hall Property, and Thacara Property

Applicant: Bowles Property
Location: Tax map 32, Parcel 350
Current Zoning: RPD
Requested Zoning: Residential Single Family (R-SF)

Applicant: SMECO
Location: Tax map 32, Parcel 349
Current Zoning: RPD
Requested Zoning: Commercial Highway (C-H)

Applicant: Hall Property
Location: Tax map 32, Parcel 203
Current Zoning: RPD
Requested Zoning: Commercial Highway (C-H)

Applicant: Thacara Property
Location: Tax map 32, Parcel 151
Current Zoning: RCL
Requested Zoning: Commercial Business (C-B)

Resolution 3-06 - Resolution to annex 14.009 acres along Rt. 5 - For a number of months David Hall (D&G Kustom) and Dr. Luke have been pursuing annexation into the Town. We have finally received all of the documentation needed to proceed with the annexation. They have signatures of 3 of the 4 property owners on the petition. A letter from St. Mary's County Commissioners is enclosed to allow the zoning change on the Hall property to go to commercial highway. Mr. Hall wants to tear down the residence and build a commercial building to house D&G Kustom, where he now rents. Dr. Luke has future plans to possibly expand his office. Following is the timeline for the annexation process

You will hear the case today for recommendation back to town council and we will hold a public hearing on October 9, 2006 before town council and on November 24, 2006 the resolution will become effective.

Enclosed in your packet is a site map showing the various properties, what they were zoned, a zoning map on the surrounding properties, a copy of the petition, which was amended today from Commercial Business as Dr. Luke amended his portion of the petition to show everything coming in a Commercial Highway.

Mr. Bill McKissick with Dugan, McKissick, Wood and Longmore provided the members with a brief overview of the properties as presented by Ms. Miller.

The members expressed that they felt this was a very good move and long overdue.

Member Fearn moved to send forward a favorable recommendation to Town Council on Case #02-06 for Resolution #03-06 - Annexation of 14.009 acres along Rt. 5 with amended zoning; Member Burris seconded, no further discussion, motion passed unanimously.

Case # 88-06: EOC Equipment Shelter

Applicant: Board of County Commissioners
Location: 41870 Baldrige Street, Governmental Center
Zoning: Institutional Office (I-O)

The Board of County Commissioners is proposing a concept plan to construct an Emergency Operations Center Equipment Shelter on the Governmental Center's site. The shelter is 8,000 sq. ft, single story, two-span, pre-engineered steel building with insulation and climate control. The applicant would like to use a brick facade for the building if their budget allows. Case # should be added to plans.

Enclosed

- EOC Concept plan
- Location Map

The applicant is requesting Concept Approval at this time. The Planning and Zoning Commission can approve, approve with conditions, or deny.

Mr. Gary Whipple, Department of Public Works, St. Mary's County Government provided the members with a handout outlining the project's status. Also in attendance is Mr. Tim Bennett with the Department of Public Safety.

Mr. Whipple stated that the Board of County Commissioners would like to construct an equipment shelter for their emergency operations equipment. The goal is to design and construct an 8,000 sq. ft. pre-engineered climate control secure steel building at the Governmental Center campus to shelter five pieces of first responder vehicles, trailers and sensitive instruments of which this was recently purchased under Homeland Security funding. The facility is proposed to be a joint use facility between the Department of Public Safety and the Office of the Sheriff as they have similar first responder vehicles. The facility will also provide workstation space for radio equipment maintenance and repair functions, which is currently housed down at the Public Works and Transportation maintenance facility in California. This will consolidate those functions within this new structure.

We would like to have our preliminary site plan and floor plan finished within 60 days of contract award, the foundation plan and layout complete in 90 days after notice of award, and a full design to bring back before the Commission within 120 days of contract award. We believe we can complete this project within 300 calendar days of notice of award. SWM for this project will be covered by the Governmental Center regional SWM project which is a separate project.

Chairperson Moulds expressed concerned that if they could not get the funding to brick the building what kind of exterior would be used, as it would be important to maintain the same look as the other Governmental Center buildings.

Mr. Whipple agreed and noted that it would not be inconsistent with what they have done in the past to use brick façade on the front facing and use 26 gauge sheet metal on the back of the building to include landscaping to soften the impact of the building.

Chairperson Moulds mentioned the building would be built using climate control and would like to ensure that the mechanisms are shielded.

Mr. Whipple stated that the mechanisms would be located on the back corner of the building so it will be hidden from the view of the Governmental Center.

Member Burris questioned if the EDU's had been addressed.

Ms. Miller stated that they have not at this time but it looks as if they will only require one EDU, nothing substantial.

Member Burris commented that they will be using a grinder pump forcemain and asked if this will tie into the Town's line. Where does the Detention Center tie in? Where does the grinder pump go? The grinder pumps placed at the Detention Center were not originally put in correctly or not at all and it might be an idea to tie in there.

Mr. Whipple responded that he would look into this with Leonardtown WWTP staff.

Mr. Frock remarked that it was mentioned there were other potential sites that this may be useful for and inquired if this a permanent decision, that if in 2010 other things happen, would this facility then be moved to another location.

Mr. Whipple replied that the structure is intended to be a permanent facility. The use right now will be a joint use facility and the Office of the Sheriff may get a new facility at some other location to be determined in the near future but the plan is for this to be a permanent location.

Member Burris moved to approve Case #88-06 Concept plan as presented; Member Frock seconded, no further discussion, motion passed unanimously.

Case # 89-06: Terrence Mentzos, Request for a 6' rear setback Variance to build deck.

Applicant: Terrence Mentzos, Owner
Location: 41870 Tomey Ct, Lot 65, Academy Hills
Zoning: Mixed Use Planned Unit Development (PUD-M)

Mr. Mentzos is requesting to build a 12' x 32' deck for pleasure. The deck will be at the rear of the house projecting 6' over the BRL. Mr. Mentzos is filing an application for a 6' Variance. Mr. Mentzos' lot is narrow at the front and required the home to be placed back nearly 47'.

Enclosed:

- Site plan
- Rear view drawing of proposed deck

Mr. Mentzos introduced himself and explained that he had purchased his home about a year and half ago and that the homes in his cul-de-sac are built on very narrow lots so the homes were built further back, many of the back yards are very hilly. A few other neighbors have requested variances to build a normal size deck, which requires building over the BRL. He spoke with his two neighbors directly behind him, Mr. Nelson and Mr. Ogletree, and they do not have any objections, in fact, Mr. Ogletree recently requested a variance to build his deck.

Member Fearn moved on Case #89-06, Request for 6' Rear Setback Variance for Deck, to send a favorable recommendation to the Board of Appeals, due to the exceptional hardship due to the narrowness of the property; Member Burriss seconded, no further discussion, motion passed unanimously.

OLD BUSINESS

Case # 64-04: Leonard's Grant, Leonard's Drive Final site approval, Sewer Forcemain site final site approval.

Leonard's Drive:

- DPW approval received
- SHA construction entrance permit received
- Soil Conservation approval received
- MDE approval pending

Sewer Forcemain, Construction of over 7,700 feet of 6" sewer forcemain.

- Town Utilities approval received
- MDE approval received
- SHA approval pending

Enclosed:

- Leonard's Drive final site plan
- Proposed 6" sewer forcemain final site plan

The applicant is requesting Final Site Plan Approval for both items at this time. The Planning and Zoning Commission can approve, approve with conditions, or deny.

Mr. Andy Bice and Mr. Mike Pierce are here representing the developer, Quality Built Homes. Mr. Bice described the work that will be done along Leonard's Drive for an 80' right of way from Route 245 to the property. It is roughly about 4200 feet long and the only access to the site. We have received all the approvals for the construction of the road with the exception of the crossing of the pond with MDE but we have had recent discussions with MDE and expect to receive this shortly.

The next item was the forcemain and this leads from the site up Leonard's Drive. Some changes have occurred with these lines but we have been working closely with MDE and the State Highway and we hope to finalize these permits shortly.

Member Burris commented that on Route 245 there is a section that is not within the Town's boundaries just past the Russell farm through the Hayden property.

Mr. Bice responded that the whole piece that will be run is within existing Town easements of the tintop hill system, so the only section outside of Town is where we cross from the 80' crossing Route 245, the State's right of way, and from there we get into the 20' easement which is an existing 6" line and that is designed to run parallel within that easement.

Member Burris remarked that his concern is the amount of EDUs with the County, as that line will be in their jurisdiction and others may be able to tap in.

Ms. Miller stated that the right of way has all been turned over to the town, it should not effect EDU's as they are just enlarging existing lines which are currently located in existing easement and then the part on the entrance road which is part of the annexation will not actually be running in the road but along the right of way.

Mr. Bice remarked that there is an 80' strip that runs through the Hayden farm that is owned by QBH that is ultimately dedicated to the Town and the line runs within that 80' right of way.

Ms. Miller commented that there was a study done by Stearns and Wheler a few years ago and this was the recommended route that this line take when the other option was to continue down Route 245 and into the old part of downtown.

Member Burris moved on Case #64-04, Leonard's Grant, Leonard's Drive site plan approval and sewer forcemain final site plan be approved as presented with pending MDE approval; Member Fearn seconded, no further discussion, motion passed unanimously.

Case # 38-06: Sterling House, revised concept plan

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

Mr. Beck and Mr. Mehaffey have submitted a revised concept plan for the Sterling site.

There are some significant changes in the new design. They are as follows:

- Mr. Beck has submitted plans to construct two new office buildings and renovate the Sterling house. The two proposed office buildings will be situated to be in line with existing buildings on this street. The two proposed office buildings would each have

basement office space, retail on the first floor and residential units on the second floors. This plan will be an extension for the downtown corridor.

- The Sterling house will be a 2-story restaurant as in the original concept plan.
- Mr. Beck has recently purchased the Duke property
- The Town is working with Mr. Beck and Mr. Mehaffey to resolve the storm water management issues for the area.

Enclosed:

- Concept Plan
- Minutes from May 15, 2006, Sterling House Concept Approval w/ conditions

Discussion Items:

- Plantings in parking area, breaking up long rows of parking
- Additional EDU allocations needed.
- FCA requirements need to be addressed

The applicant is requesting Concept Approval at this time pending architectural drawings for Buildings #2 and # 3, also pending storm water management issues being addressed.

We just met on Friday and verified in a meeting with State Highway that they are required to do some mitigation for critical area impact in the streetscape project down by the WWTP. We have gotten approval from Critical Areas to use this parking area drainage as mitigation. One possibility is that State Highway would put in pavers or some other improved SWM in that parking lot. We are also pursuing a federal grant to help with the expenses for this project. We feel this is going in a very positive direction. We did enclose a new concept plan and minutes from the May 15, 2006 meeting with what was approved and what the conditions were.

Mayor Norris remarked that it was very good to hear that he was able to get something negotiated with Mr. Duke. The plan to move the buildings up to the sidewalk certainly falls in line with our comprehensive plan.

Mr. Beck provided the members with an overview of the concept plan. We were able to put the Duke property under contract and do intend on tearing down the old building. Mr. Duke has agreed to help clean up the old refrigeration equipment within 60 days after settlement. We are proposing putting the buildings closer to the street with more retail and office space. We are proposing to put retail space on the street side and then the basement level from the parking lot side we propose some office space. The second floor we propose some professional apartments, possibly two per building. Our parking requirement has been met onsite for all three buildings. We are proposing 95 spaces and relocating the dumpster further away from the buildings for aesthetics. We may lose one or two spaces but are currently one space over right now. We felt we could meet our SWM requirements onsite underneath the parking lot and have added space for an infiltration basin.

Chairperson Moulds remarked that this is a big improvement to move the buildings up to the street and agreed that it would be nice to have more retail in town. Regarding the parking lot, isn't it supposed to be so many spaces and then some islands?

Ms. Miller responded that we do need to work towards more plantings and will work with them regarding the SWM which will affect the parking lot. They have agreed to work with us on these issues. We would have requirements for a certain number of trees and certain amount of landscaping and that would come as the final plan develops. Our goal is to keep them moving forward and work out some of these details at their final site plan presentation.

Member Burris stated that not having a view of a sea of asphalt from the street is a big improvement with the parking located in the rear of the buildings.

Mr. Beck remarked that we have asked for the interpretation of the zoning ordinance and I believe the zoning ordinance says that a planting bed will be installed for every ten spaces but does that mean an island? But we do intend to heavily plant all of this and around the parking lot.

Ms. Miller commented that we may be better off to have more plantings to the rear and it is important to provide Mr. Beck the flexibility to move forward with the design and get the best overall concept that we can. It is more important than having a strict number of islands.

Chairperson Moulds asked with the SWM will that help with the erosion that has been happening back there?

Ms. Miller replied that we met with a State Highway engineer on Friday. Mr. Beck could accomplish what he needs to do without having to address it and he has agreed to work with us on a design that would help the erosion problem. A lot of the run-off we would be addressing is off the State Highway from parking lots that do not exist with Mr. Beck's property.

Chairperson Moulds agreed this was important with the parking lot right along the highway and hopes this new plan will help with the erosion.

Member Fearn's feels it is a big improvement over the last plan with a lot more parking spaces, which will take care of a number of problems.

Member Frock commented that he personally really likes the retail with the upper residential.

Member Fearn's moved on Case #38-06, Sterling House, to approve with comments discussed today; Member Frock seconded, no further discussion, motion passed unanimously.

Monthly In-House Permits – No Questions

Town Council Minutes – No Questions

Member Burris moved to adjourn the meeting at 3:40 p.m., seconded by Member Fearn, motion passed unanimously.

Respectfully Submitted:

Teri Dimsey, Recording Secretary

Approved:

Jean Moulds, Chairperson

Frank Fearn, Vice Chair

Dan Burris, Commission Member

Absent
Jack Candela, Commission Member

Dave Frock, Commission Member