

Commissioners of Leonardtown
Leonardtown Planning and Zoning Commission Meeting
Monday, October 16, 2006 ~ 2:30 p.m.

Attendees: Jean Moulds, Chairperson
Frank Fearn, Vice Chair
Dan Burris, Member
Jack Candela, Member
Dave Frock, Member

Also in attendance were: Laschelle Miller, Town Administrator; Jennie McGraw, Plans Reviewer; Teri Dimsey, Recording Secretary; Wayne Davis, W.M. Davis; Mary Ann Thompson, St. Mary's County Sheriff's Office; Sheriff David Zylak, St. Mary's County Sheriff's Office; Dave Schmidt, W.M. Davis; John Wharton, Enterprise; Jackie Post, Fiscal Clerk, J. Harry Norris, Mayor; Leslie Roberts, Council Member.

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

The meeting minutes for the September 18, 2006 Planning and Zoning Commission meeting are presented for approval.

Chairperson Moulds entertained a motion to approve the September 18, 2006 meeting minutes, Member Burris moved to approve the minutes, seconded by Member Frock

No further discussion; motion passed unanimously.

Town Administrator's Report – Laschelle Miller

Resolution 3-06- Resolution to annex 14.009 acres along Rt. 5. - Council voted to annex properties along Route 5, the David Hall, Dr. Luke, and SMECO property annexation. A public hearing was held, no comments and the council passed the resolution and it will become effective November 24th.

Council heard four liquor license requests for letters of support for:

BWB Restaurant Liquor License Request - Buffalo, Wings and Beer in the Shops of Breton Bay.

The Tea Room Liquor License Request - Tea Room opening a new location in the Carousels building.

El Cerro Grande Mexican Restaurant Liquor License Request - El Cerro Grande owner, Nick Cervantes, is requesting a liquor license for on-site sales at their new location at 22695 Washington Street (Nook and Monks former location).

Oga's Asian Cuisine – Is requesting a liquor license for on-site sales.

Leonardtwn Beacon Proposal - Awarded another three-year contract to Heritage Printing.

Proposal for 22640 Gregory Lane - Mike Mummaugh has contracted the old Minitex property, which currently lies outside of the Town boundaries. The property consists of 5.52 acres zoned Industrial. Mr. Mummaugh explained his intended development plan for the property before pursuing annexation into the Town. One property lies between the Town boundary and this property. It is 14.25 acres owned by Phil Dorsey, currently proposing storage units to the County.

Streetscape Water and Sewer Line replacement bid discussion- One bid was received from Schummer, Inc. from Mayo, MD in the amount of \$3,284,651. The original construction only cost estimate was \$2,805,589, which included a 15% contingency and the Church St. alternate. As the bid came in much higher than expected we are looking at some alternatives and not sure how that is going to proceed at this time.

Introduction of Ordinance No. 128- Bond Issue for Streetscape Water and Sewer Project- Introduction of an Ordinance that would allow us to borrow the funds for the project. No action taken, introduction only.

NEW BUSINESS

CASE # 135-05: Robert Combs, Newtowne Construction, request for a 4' front/side yard variance.

Applicant: Robert Combs, Newtowne Construction
Location: 23305 Joanne Drive, lot 30, Singletree
Zoning: Mixed Use Planned Unit Development (PUD-M)

Mr. Combs is requesting a 4' front/side yard variance to construct a new single-family dwelling. The proposed house sits on a corner lot, which makes a 25' BRL on the front/side. This makes it difficult to build the proposed house without the 4' variance, therefore a 4' variance was requested.

Enclosed:

- Site plan

The Planning and Zoning Commission shall study the specific property involved, as well as the (PUD) neighborhood, public health, safety, security, morals or general welfare, and the variance shall comply, as nearly as possible in every respect with the spirit, intent and purpose of the Zoning Ordinance.

The Commission shall forward its recommendations to the Board of Appeals who will hold the required public hearing.

Member Burris commented that if this lot was straight rather than a corner lot the one side would be an 8' easement or buffer.

Member Candela excused himself from voting, due to the fact that his wife is the listing agent for the property and may also be the selling agent on the house.

Chairperson Moulds inquired if they were aware of this when the development was planned out?

Ms. Miller replied that there have not been any requests for variances for this development and the shape of the lot and the two frontages limits this particular property.

Member Fearn noted that the Commission has in the past, approved variances for homes in a similar situation, such as in Academy Hills, due to irregular shaped lots.

Ms. Miller reported that the Planning and Zoning Commission shall study the specific property involved as well as the (PUD) neighborhood, for public health, safety, security, morals or general welfare, and the variance shall comply, as nearly as possible in every respect with the spirit, intent and purpose of the Zoning Ordinance.

The Commission shall forward its recommendations to the Board of Appeals who will hold the required public hearing.

Member Candela stated that it is important to guard against setting precedence but this variance request is definitely caused by an odd shaped lot and he does not see this as being a problem in this development.

Ms. Miller remarked that there are only a few lots remaining for sale and to date we have not seen any variance requests for this development.

Member Fearn moved on Case #135-05- Robert Combs, Newtowne Construction, 4' front/side yard variance request to send a favorable recommendation to the Board of Appeals due to the extraordinary situation incurred by the shape of the lot; Member Burris seconded, no further discussion, Member Candela abstained, motion passed by four board members.

CASE # 8-06: St. Mary's County adult detention center expansion/renovation pre-concept plan

Applicant: Office of the Sheriff, St. Mary's County

Location: 41880 Baldrige Street
Zoning: Institutional Office (I-O)

St. Mary's County Sheriff's office would like to present a pre-concept plan for expansion and renovation of the St. Mary's County adult detention center. Currently the facility holds 230 beds, due to an increase in inmate population it has been determined that there is a need for more beds. Pre-concept plan suggests that with the new design, capacity would be 524 beds.

Phase I plan is to build an addition of 5-56 bed housing dormitory units, with the total being 280 beds.

Phase II is the renovation of the existing jail. The original design allows for 230 beds and pre-concept reduces the number of beds to 180, 50 less.

Phase III is 2-32 bed units
Total beds after additions and renovations will be 524.

The facility program has been approved by the Department of Public Safety and Correctional Services (DPSCS) – Division of Capital Construction and Facilities Maintenance. The project has now been forwarded to the State of Maryland Department of Budget and Management and once accepted by them will be forwarded to the State Legislature for “ultimate” approval and/or disapproval.

Enclosed:

- Pre-Concept presentation booklet
- Copies of communications with St. Mary's County Government regarding EDU's

The applicant is requesting discussion of the project at this time.

Sheriff Zylak came forward and presented a brief overview of the Jail Expansion, along with Mary Ann Thompson, Executive Coordinator and Project Manager for this particular project.

Sheriff Zylak explained that here has been an increase in the inmate population, 18 months ago, the average inmate population was 165 and today the average daily population is about 275 but today's actual population is 342 inmates. A needs assessment was conducted by Carter, Global and Lee and they project 519 beds will be needed by 2025. Current capacity is 230.

Because of this increase, and due to a shortage of bed space, we contracted architects to produce Phase I and Phase II to submit to the State of Maryland to apply for up to 50% funding through the State. We did meet with the panel of State Budget and Management on September 20th and will have to wait to see how much funding is available for this project. The Commissioners did ask us to phase this project in over a number of fiscal years.

There is an increase in inmate housing across the State and in St. Mary's County case, we have found it is primarily due to longer sentences.

Sheriff Zylak asked Mary Ann Thompson to brief the Board on the renovations. Ms. Thompson referred to the packet of information provided to the Board, which includes a copy of the existing floor plan and the proposed changes.

Sheriff Zylak expressed the concern that they currently have 90 EDUs and the jail expansion will require an additional 120 EDUs.

Ms. Miller stated that the Town does not have the capacity at this time. If this project were approved, it would be unable to move forward until we had additional water and sewer capacity. Our projections indicate that we are at maximum capacity at that site. This project was not taken into consideration, as we were not aware of any plans. We had looked at different farms in Town and allocated EDUs for redevelopment and housing projects that we foresaw and projected but this project was not built into those numbers, so it will have to come from something else.

Member Candela inquired if the 120 EDUs include the future 64-bed addition? How many EDUs would be required without the last addition and can we accommodate that level of EDUs?

Ms. Miller replied that it does include the future addition but we are presently unable to handle Phase I. We do have the expansion slated for 2008 but once we approve a project we have to be very careful, as according to the State requirements, we have to allocate those EDUs and we cannot issue building permits until we have the EDUs available.

Member Burris stated that we project construction award to be done and completed in October 2008 and the jail expansion would be prior to that, timing would be very critical.

Ms. Miller remarked that as we move forward with the expansion we could run into delays, which could cause problems to meet the timeline.

Member Burris expressed his concern that this facility will eat up most of what is available at the Governmental Center in regards to any other expansions and the Detention Center has turned into more of a jail than a short time detention center. He is not sure this is the best site for a detention center of this size along with the number of EDUs. Have you pursued other sites?

Sheriff Zylak referenced the problems to locate a school site in St. Mary's County and it is much more difficult to put a jail in a neighborhood but they did look at several different sites.

Ms. Thompson remarked that State dollars are earmarked for this project and when this facility was built in 1989 it was built with half State money and the State wants to make sure that their money has been wisely invested, the detention center itself is still a good building.

Member Fearn remarked that statewide, most local detention centers are getting bigger.

Sheriff Zylak commented that Charles County has reopened a facility they had vacated and Calvert County is also doing something similar, we are seeing an increase statewide in jail population.

Member Burris asked if any consideration was given to utilizing a regional jail system?

Sheriff Zylak responded that there was discussion regarding this with the other southern region Sheriff's. Regional facilities have their own obstacles but this has not been pursued at this time.

Member Candela remarked that he does not have a problem with the facility here in Leonardtown but he does have a problem with contracting out for federal prisoners and making space for them. He does not feel that that is our responsibility. He also has a problem with the number of EDUs required.

Sheriff Zylak remarked that we do not have to bring the federal prisoners into our system, only if bed space is available. It has been a good revenue-generating source for the county and has been for years. We are not building this facility in anticipation of bringing in any federal prisoners.

Member Burris commented that he understands the needs for bed space now but does not understand why they do not start Phase III first to get those 64 beds.

Sheriff Zylak replied that the infrastructure of the existing facility would not handle the additional the beds. The new laundry, food service and medical facilities (which is a huge liability issue) would need to be ready first.

Member Burris remarked that the only correspondence we have received from the County Commissioners is the one letter referring to EDU discussion. Has this concept plan been approved by them?

Sheriff Zylak replied that is has been approved to move forward with Phase II.

Member Fearn commented that the future recommendation for our approval would be on the condition that we had the EDUs at the time you were ready to build and assuming we will be on schedule and on target with our expansion.

Ms. Miller stated that we would really not know until the bids are opened what the timeline might be. We would have to talk to our attorney and coordinate very closely what could happen prior to knowing when that expansion will be complete.

Member Fearn commented that he appreciates them coming before the Board early on to begin addressing this situation.

Member Candela asked how close is the nearest Metcom sewer line and is there any possibility that that facility could hook into a Metcom line instead of into the Town?

Ms. Miller stated that they do not have anything closer than Hollywood.

Member Moulds remarked that the consensus is we can definitely see that Leonardtown has a need for this detention center expansion, except that we cannot do this without the EDU requirements.

CASE # 100-06: Relax Inn, Concept plan

Applicant: W.M. Davis, Inc.
Owner: B. Santosy, Inc.
Engineer: Mehaffey & Associates, Jonathan Blasco
Location: 41655 Park Ave
Zoning: Commercial Business (C-B)

The applicant and all other parties have submitted a pre-concept plan for 41655 Park Ave. Currently there is a motel on this site, Relax Inn. The design shows the existing building to be demolished and replaced with a new 3-story hotel. This pre concept plan shows a total of 48 rooms. Each story will be 8,086 sq. ft. and the total being 24,258 sq.ft. The 1st floor will not have any rooms, but will act as the lobby and other support services. The 2nd and 3rd floors will accommodate the 48 rooms suggested.

Currently Relax Inn has parking in front of the building along Park Ave. The pre-concept plan suggests pulling the new 3-story building up to sit directly on Park Ave with the exception of sidewalk access. Required parking is 1 space per 1 room. The pre-concept plan shows a total of 32 spaces on site (behind building) and 16 spaces to be provided off site (public parking areas).

The project falls within the PIRD district if the applicant needs to pursue that route.

Enclosed: Concept Plan

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

Member Candela remarked that he is concerned if there is adequate parking to absorb the needed parking for the hotel and also the current use of the town parking lots.

Ms. Miller stated that there are very few cars at the site during the day, and the bulk of their usage is in the evening; many town business employees utilize the front of the hotels parking spaces.

Member Burris noted that they are moving the building forward and parking will be in the rear so you would not lose any parking currently there. Much of their parking needs will be in the evening.

Member Frock asked how many additional rooms?

Mr. Davis responded they are going from 25 rooms to 48 rooms.

Member Burris asked if there was any consideration to blend in the parking a little better?

Mr. Davis responded that they plan to reconfigure and tie the rear parking lot along with the two adjoining properties and hopefully some of the utilities can disappear for a much better look. We will continue to look at ways to improve the parking.

Member Burriss asked if there has been any discussion as to the type of hotel, rate structure etc.

Mr. Davis deferred to Mr. Patel.

Mr. Patel responded that they are in negotiations with Best Western. They plan to be competitive with the hotels located along Route 235. Their new facility will not house any long-term guests.

Chairperson Moulds remarked that this is a good project.

Mr. Davis stated that the plan is to build a 3-story facility and may also include a ground floor conference room for meetings and receptions.

Member Burriss asked if any retail would be located on the first floor?

Mr. Patel responded not at this time but may be a future consideration.

Mayor Norris remarked that Mr. Patel has been very generous in allowing the town business employees to use their parking and asked Mr. Patel if that could continue as they move forward.

Mr. Patel responded that they would continue to offer their parking to the Town business employees.

Member Candela moved on Case #100-06 to approve the concept plan as submitted for a new 3-story franchise hotel on Park Avenue subject to adequate parking agreements between the developers and the town; Member Burriss seconded; no further discussion, motion passed unanimously.

Monthly In-House Permits – No Questions

Town Council Minutes – No Questions

Member Candela moved to adjourn the meeting at 3:25 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

Jack Candela, Commission Member

Dave Frock, Commission Member