



# Commissioners of Leonardtown

41660 Courthouse Drive  
P.O. Box 1, Leonardtown, Maryland 20650

301-475-9791 • FAX 301-475-5350  
leonardtown.somcd.com

J. HARRY NORRIS  
Mayor

LASCELLE E. MCKAY  
Town Administrator

Commissioners of Leonardtown

## Leonardtown Planning and Zoning Commission Meeting

January 19, 2010 ~ 4:00 p.m.

Attendees: Frank Fearn, Vice Chair  
Jack Candela, Member  
Glen Mattingly, Member  
Heather Earhart, Member

Absent: Jean Moulds, Chairperson

Alternate: Tom Collier

Also in attendance were: Laschelle McKay, Town Administrator; DeAnn Adler, Plans Reviewer; Jackie Post, Fiscal Clerk; Teri Dimsey, Recording Secretary; Mike Mummaugh, Paragon Properties; Bill Higgs, LSR; Jay Freiss, Enterprise. A complete list is available on file at the Leonardtown Town Office.

Vice Chair Fearn called the meeting to order at 4:00 p.m.

The meeting minutes for the December 21, 2009 meeting were presented for approval.

**Member Candela moved to approve; seconded by Member Mattingly, motion passed unanimously.**

### **Town Administrator Report – Laschelle McKay**

Ms. McKay reported that during the January Town Council meeting, the budget calendar was approved and an election judge was also appointed, as this is an election year. We also had a review of the Comprehensive Plan Schedule. At the table today, for your review, is a copy of that schedule. Last week we met with the Comprehensive Plan Update Committee to finalize the draft and the consultant, Tony Redman will be making final revisions. We plan on introducing the ordinances and the draft comprehensive plan to the Town Council at the February meeting. They will forward the document on to the Planning and Zoning Commission, the County and the State agencies. A public hearing would be scheduled, which the Board will hold during the March 15<sup>th</sup> meeting, you will then forward your comments onto Town Council who will hold a public hearing in April. They will then collect all of the comments from the public hearings and the various agencies and then will be able to take legislative action on the ordinances.

~~Information will be provided to you after the February 8<sup>th</sup> meeting and you will have a little over a month to review before the public hearing in March.~~

COUNCIL: WALTER WISE, Vice President DANIEL W. BURRIS  
THOMAS R. COLLIER ROBERT C. COMBS LESLIE E. ROBERTS

We also awarded the Rt. 245 Traffic Planning Study contract. This contract involves collaboration from St. Mary's County Government, St. Mary's Hospital, the College of Southern Maryland and the Town. Desman and Associates was the low bidder and once the MOU between the four stakeholders is finalized we will be moving forward on that project. There is a sixty day completion date.

There was also discussion regarding the intersection of the Clark's Rest and Tudor Hall projects at Rt. 5. We have always required that these two projects line up with each other, and anticipated a stop light being installed there when Rt. 5 is widened. With the State budget being tight and the project at a standstill, Mayor Norris met with the owners of Clarks Rest and Tudor Hall and the idea of placing a round-a-about at the intersection instead of a stop light was introduced. Mr. Bailey asked his engineers to take a look at this idea and see if it could possibly work. It would take less area than the widening would require and may be able to move forward faster. This is just a suggestion for discussion at this time and needs to be explored further with State Highway.

Member Fearn thanked Ms. McKay and moved on to the next order of business.

### **NEW BUSINESS**

Case # 1-10 Mummaugh – 22645 Van Wert Lane – Request for concept approval

Applicant: Van Wert, LLC - Mike Mummaugh  
Engineer: LSR – Little Silences Rest, Inc.  
Zoning: Commercial Business/ Critical Area – IDA designation

Ms. Adler reported that Mr. Mike Mummaugh is requesting concept approval for a 7,200 s.f. building that would house four warehouse spaces on the first floor and four office suites on the second floor.

Seventeen parking spaces have been provided. Twelve spaces are required for the office space on the second floor and parking will be addressed as usage on the first floor becomes more defined. Additional spaces are also available on the adjacent parcel (#363) if needed.

This parcel is surrounded by the Town's wastewater treatment facility. Because of the undesirable location of this property, in-house discussions with the property owner have led to the idea of dealing with parcel specific use through the Board of Appeals without instituting a town wide change in zoning. Staff is working with the engineer on the critical area requirements.

**Action Needed Today:** The applicant is requesting concept approval. The Planning and Zoning Commission can vote to approve, approve with conditions, deny, or delay a decision.

Ms. Adler stated that Mr. Mummaugh, the owner and Mr. Higgs, the engineer, were present to answer any questions

Ms. McKay remarked that they may or may not meet the required parking spaces for approval depending on the final approved use, if they require additional spaces; they have room on the parcel next door (#363) to accommodate additional parking.

Ms. McKay noted that formerly this property was Commercial Highway and in the 2004 Comprehensive Plan, this was one of the parcels that were changed to Commercial Business as well as the two parcels at the intersection of Courthouse Drive and Fenwick Street. The zoning was changed all to Commercial Business because Commercial Highway allowed some uses that the Town had concerns about and a bit more restrictive zoning for the downtown area. This parcel is surrounded by the waste water treatment plant and because of its undesirable location there are few uses that would be appropriate for the site. Mr. Mummaugh needs to know what use he can have there so that he can build the most appropriate building on the site.

We do not currently have zoning for industrial use in Town, but this property would benefit from more industrial uses, such as warehouse use, and may require a special exception from the Board of Appeals. This would be a process we may proceed with after today's ruling.

Member Candela asked if the way the property is presently zoned a warehouse is not permitted.

Ms. McKay noted that it is not that it is not permitted, but it would need to be clarified by the Board of Appeals to allow for warehouse and storage facilities, which is not presently in any of the Town's zoning language.

Ms. McKay stated that today's ruling is to approve or disapprove the request for a commercial building which is allowed. Mr. Mummaugh is planning for the future when he will need to come back before the Board and seek approval to change his plans to be used for warehouse or storage facilities. At this time he is allowed a commercial building with retail, but may find a business to move into this space that would require a warehouse or storage, building but the current zoning does not allow that without retail.

Mr. Mummaugh remarked that the best use will be some type of warehouse but he does not know what type of business may be there in the future. Presently, his concept plan is for a retail commercial building with warehouse storage and he will move forward with meeting the required zoning and will come back before the Board to apply for a special exception to change to industrial zoning if necessary.

Member Collier inquired about the amount of parking available.

Ms. McKay responded that the present parking configuration meets the required number of parking spaces for this commercial retail building.

Member Candela stated that he wanted to clarify what the Board members were voting today was a commercial building. Mr. Mummaugh may in the future come back before the Board to request a recommendation for a special exception which the Board may then pass onto the Board of Appeals. At that time, we would then explore the various requirements needed for a special exception.

Ms. McKay responded yes, today Mr. Mummaugh is requesting approval to build a commercial building, which the current zoning permits, but it may be something else at a later date.

Member Collier asked if the IDA overlay could be explained.

Mr. Higgs responded that IDA stands for Intensely Developed Area which is the critical areas overlay which allows you to do commercial type projects but there are criteria which we have to follow for SWM and the impervious surfaces, to meet the requirements.

Member Mattingly noted that gravel on top of land does not seem to be impervious surface.

Mr. Higgs remarked that Critical Areas considers compacted gravel to be impervious, the same as black top.

**Member Earhart moved to approve Case #1-10 - 22645 Van Wert Lane - request for concept approval for the commercial building that meets the current zoning ordinance; Member Candela seconded, no further discussion, motion passed unanimously.**

**Review of Monthly In-House Permits** – No comments

**Review of Approved Town Council Meeting Minutes** – No comments

**Member Mattingly moved to adjourn the meeting at 4:30 p.m., seconded by Member Candela, no further discussion, motion passed unanimously.**

Respectfully Submitted:

\_\_\_\_\_  
Teri Dimsey, Recorder

Approved:

\_\_\_\_\_  
Absent  
Jean Moulds, Chairperson

\_\_\_\_\_  
Frank Fearn, Vice Chair

\_\_\_\_\_  
Jack Candela, Member

\_\_\_\_\_  
Heather Earhart, Member

\_\_\_\_\_  
Glen Mattingly, Member