



Commissioners of Leonardtown

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

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

J. HARRY NORRIS
Mayor

LASCHELLE E. MCKAY
Town Administrator

Commissioners of Leonardtown
Leonardtown Planning and Zoning Commission Meeting
March 15, 2010 ~ 4:00 p.m.

Attendees: Jack Candela, Member
Glen Mattingly, Member
Heather Earhart, Member

Absent: Jean Moulds, Chairperson
Frank Fearn, Vice Chair

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; Joe Mitchell, Attorney; Kathleen Reif, Library; George Allan Hayden, SMECO; Jay Freiss, Enterprise. A complete list is available on file at the Leonardtown Town Office.

Member Candela called the meeting to order at 4:00 p.m.

The meeting minutes for the January 19, 2010 meeting were presented for approval.

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

Member Candela entertained a motion to open the Public Hearing.

Member Mattingly moved to close the regular meeting and open the Public Hearing on Ordinance #145 – Revised Comprehensive Land Use Plan and Ordinance #146 – Revised Comprehensive Zoning Map; Member Collier seconded, no further discussion, motion passed unanimously.

Public Hearing on Ordinance #145 – Revised Comprehensive Land Use Plan and Ordinance #146 – Revised Comprehensive Zoning Map

Ms. McKay remarked that every six years municipalities and counties are required to update their Comprehensive Plan. We have had a committee in place that began working on this last fall. The committee members are present today to address or answer any questions. Mr. Tony Redman, our consultant, has headed the committee and is here today to present, in brief, the changes they have incorporated from the 2004 Comprehensive Plan.

This is a public hearing, the board will take comments from the public and afterwards the Board will make a recommendation to the Town Council who will hold another Public Hearing in April and then make a final decision on the Comprehensive Plan Update.

Mr. Tony Redman, Consultant for the Comprehensive Plan update, introduced himself. He explained that he will be giving a presentation that describes the outcome of the meetings of the Comprehensive Plan Update Committee. This committee was established to review the current plan, to incorporate and update the plan to meet the State's new requirements and address the Town's growth and growth pattern for the next twenty years.

Ms. McKay recognized the hard work of the many committee members, some of whom are in attendance today and noted that today's presentation and the draft copy the Board members have before them is a product of the last meeting, incorporating all the comments received to date. All comments recommended by the Board today will be incorporated.

Ms. McKay suggested they review the zoning map. There are two separate ordinances but they go hand in hand. When you are updating the Comprehensive Plan, you can look at the entire town, every parcel, and seek out any recommendations for zoning changes, therefore you do it comprehensively. We do have a few zoning changes that were found to be incorrect and need to be corrected. There was a change inadvertently to Newtowne Village, which has always been multi-family residential but on the 2004 plan it was mistakenly changed to single-family. This is the first proposed zoning change.

The second one is the SMECO property on Rt. 245. The parcel their building is on is currently commercial business and they also purchased the five residential lots next door to incorporate into their future expansion plans and have requested both to be changed to Institutional Office.

The third request is from a property owner on Fenwick Street, Mrs. Priscilla Wentworth, who has asked that during the public hearing that the small parcel next to Foxwell apartments be changed to residential multi-family from a PUD zoning.

Member Candela opened the floor up for comments:

Mr. Joe Mitchell stated that the plan only projects an additional 360 households. Are builders going to be disappointed? Is the plan flexible enough to accommodate additional growth?

Mr. Redman replied that this is an estimated projection based on the smart growth principals driving today's economy. But there are areas still unknown, such as the Tudor Hall development, that make conceptual planning difficult. These are only projections and this plan will be updated every five years, and if things change during that time, then the projections can be increased.

Member Candela noted that the amount of growth will be controlled by the amount of EDUs available and we may not have the capacity or capability.

Mr. Mitchell noted that SMECO made this zoning change request at the suggestion of the planning members. He also noted that Mrs. Wentworth felt that with the addition of the Foxwell Apartments, there was a significant change in the neighborhood and it seems better to have it zoned multi-family. The topography is such that even if it is zoned multi-family that it will be difficult to come up with a design that would allow ten units per acre and also be practical, but felt it would be best to change the zoning anyway and he requests the Board's consideration.

Ms. Kathleen Reif, Leonardtown Library Director, asked if a copy of the Comp Plan could be obtained to keep at the library and if the plan is online?

Ms. McKay responded that they will provide her copies for the library and that the plan is also located online at the Town's website.

Ms. McKay stated that this Board can make a recommendation today. There will then be another public hearing at the Town Council's April meeting. Any changes from today, based on the recommendations of the planning commission, will be incorporated and will go to Town Council.

Member Candela asked if there were any more comments from the floor or the Board Members.

Member Mattingly stated that he would like to address the future alternate route. Is everyone aware of the County's plan to use Rt. 4 as a major connector between Rt. 235 and Rt. 5. This will create a higher volume of traffic and create a bottleneck. We missed some opportunities in the past to allocate land to be used towards alternate routes. I would like to see the Town have a transportation committee to address future transportation needs.

Ms. McKay remarked that this Board and Town Council have been very proactive in looking at the traffic patterns, which is why there is a Rt. 245 traffic study underway. It was decided to leave this in the plan at this time.

Mr. Derick Berlage, Land Use and Growth Management Director for St. Mary's County, commented that he would like to keep in close communication with the Town to ensure that the Town's Comp Plan is coordinated with the County's Comp Plan.

Mr. Redman stated that he believes the cross town connector is a much higher priority because it keeps local traffic from being caught in the bottleneck on Rt 5 and Hollywood Road, and residents can move through and around town more efficiently. He also mentioned that a pedestrian overpass was requested to connect the downtown, the College and the County Governmental Center.

Member Mattingly asked staff to clarify the zoning request from Mrs. Wentworth to change her property's zoning from PUD to multi-family.

Ms. McKay responded that this request just came in and is part of the public hearing process. The Board will need to consider it and provide a recommendation to the Town Council. There are up to 10 units per acre allowed for RMF and 12 for senior care. For PUD, it is 5 units per acre but there is an issue with the size of the property being quite small for a PUD designation.

Member Candela entertained a motion to close the Public Hearing.

Member Mattingly moved to close the Public Hearing and re-open the regular meeting; Member Earhart seconded, no further discussion, motion passed unanimously.

Member Candela reconvened the regular meeting. He noted that with Chairperson Mould's and Member Fearn's absent, he would like to wait until they can all review and make comments and then the entire Board can make a recommendation.

Ms. McKay stated that that would be fine, and will work with the Board to schedule a date for another public meeting for final recommendation.

Member Candela moved on to the next order of business.

Town Administrator Report – Laschelle McKay

Ordinance Introduction – Ordinances for both the Comprehensive Plan Update (#145) and the Revised Comprehensive Zoning Map (#146) were introduced. These were referred to the Planning and Zoning Commission for the public hearing today.

Patuxent Velo Bike Race- Hans Welch was here to discuss the return of the Leonardtown Criterium Bike Race on Sunday, May 16th. Hans has been working with the Fire Dept. and Pax Velo to work out issues.

MOU with St. Marys County for Phase II of the Stearns and Wheler Study- Phase 1 of the Land Application Study has been completed. St. Mary's County is ready to move forward with the next phase which is two phases of soil and hydrogeological tests. This MOU defines the scope of work that will be performed on the two selected sites, the Governmental Center and the Hayden Farm. Funding is still 100% from County government.

Port of Leonardtown Winery Signage Bid Award- The signage project was publicly bid and advertised. Five bid proposals were received. Funding for this project is provided by a grant from the Southern Maryland Heritage Area. The recommendation was to award the bid to D&G Kustom Specialties in the amount of \$2,000.

Kayak Floating Dock Bid Award- The proposed floating kayak dock to be located at Leonardtown Wharf was publicly bid and advertised. Two bids were received as noted below. The recommendation was to award Delahay Construction the low bid of \$9,750. The funding for this project is coming from the Dept. of Natural Resources, see the attached approval letter. The project is required to be completed by April 15, 2010 in time for Earth Day.

Delahay Construction	\$ 9,750
Randy's Pier and Seawall	\$13,726

Member Candela moved on to the next order of business.

NEW BUSINESS

Case # 12-10 – Leonard's Grant Lot 82 – 23629 Belmar Drive – Request for Lot Line Adjustment

Ms. Adler reported that we received a letter Mr. Andy Bice of Quality Built Homes, who is in attendance today and is requesting the adjustment of the lot line between Lots 81 & 82 in the Leonard's Grant Subdivision Phase II. This adjustment is the removal of the sidewalk between the two lots. Only lot 82 will be affected, it will increase in square footage from 8750 sf to 10625 sf. Lot 81 will remain the same as originally approved.

Mr. Bice stated that this access was between the two lots to provide access to the tennis courts and the Clubhouse but it was decided the problems of having this easement between the two lots (such as lack of privacy for the adjacent homeowners) made this easement undesirable. People wanting to go to the tennis courts could just walk down a few more lots to the end of the street and access the park that way.

Member Mattingly moved on Case #12-10 Lot 82 to approve the request for a lot line adjustment; seconded by Member Earhart, no further discussion, motion passed unanimously.

OLD BUSINESS

Case # 1-10 Mummaugh – 22645 Van Wert Lane – Request for recommendation for use.

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

Project Description:

Ms. McKay reported that Mr. Mike Mummaugh received concept approval for a 7,200 s.f. commercial building on this site at the January 19, 2010 Planning and Zoning meeting. This site is surrounded by the Town's wastewater treatment facility and has a vacant commercial parcel beside it and the cemetery across from it. In 2004 during the Comprehensive Plan update the property was changed from Commercial Highway zoning to Commercial Business zoning to protect against something like a gas station coming into that location. One option that arose to afford the site the uses that are best suited for the location included establishing an Industrial zone. The problem with establishing an industrial category is that it opens the door to other more industrial like uses within the Town. What Mr. Mummaugh is looking for is a use similar to what was there for years, Northeastern Supply. He would like to be able to have uses such as cabinet makers or service related businesses that don't have retail. The Commercial Business zoning allows, as a special exception use, these types of businesses. Mr. Mummaugh would like to have it on record that he would be allowed to have a warehouse type use that would not be required to do a retail business on these specific parcels.

The applicant is requesting a Board of Appeals interpretation of the uses that would be allowed on this property in the future. A recommendation from the Planning Commission would be forwarded to the Board of Appeals, which will hold a public hearing.

Member Candela expressed his concern that they are not asking for a specific use but are seeking approval to not provide any retail space.

Ms. McKay responded that the current zoning does not allow for a warehouse use without any retail, other than as a special exception.

Member Candela asked to clarify the Board's decision in January and their request today.

Ms. McKay stated that in January, the Board was approving the commercial building and the current zoning permitted that. It was mentioned that in the future, they would be moving forward with some type of process to clarify the type of business(es) that would be allowed. We could change the zoning category altogether but we would have to create a new Industrial zoning which may open the door for other parcels to come forward with industrial zoning. The preferred method was to say that this could have commercial use that does not have retail related to it. The Board is not specifying a particular use, but mainly that you are not requiring a retail component.

Member Collier noted that specific language should be used when defining this zoning category for this specific parcel.

Member Earhart moved to send a favorable recommendation to the Board of Appeals regarding the allowed uses on the 22645 Van Wert Lane Parcels 362, 363 and 364. Due to the location of the property allowing non-retail uses such as service related business and light manufacturing (heating and air conditioning, cabinet makers, etc) would be acceptable uses on the property; seconded by Member Mattingly, 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 5:30 p.m., seconded by Member Earhart, no further discussion, motion passed unanimously.

Respectfully Submitted:

Teri Dimsey, Recorder

Approved:

Absent
Jean Moulds, Chairperson

Absent
Frank Fearn, Vice Chair

Jack Candela, Member

Heather Earhart, Member

Glen Mattingly, Member