



Commissioners of Leonardtown

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

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

DANIEL W. BURRIS
Mayor

LASCHELLE E. MCKAY
Town Administrator

Commissioners of Leonardtown
Leonardtown Planning and Zoning Commission Meeting
October 15, 2012 ~ 4:00 p.m.

Attendees: Jean Moulds, Chairperson
Jack Candela, Member
Glen Mattingly, Member
Laura Schultz, Member
Tom Collier, Alternate

Absent: Heather Earhart, Member

Also in attendance were Town staff members: DeAnn Adler, Plans Reviewer, Jackie Post, Fiscal Clerk and Laschelle McKay, Town Administrator. A complete list of other attendees is available on file at the Leonardtown Town Office.

Chairman Moulds called the meeting to order at 4:00 p.m. The minutes for the August 20, 2012 meeting were presented for approval by Chairman Moulds.

Member Mattingly moved to approve the August 20, 2012 minutes as submitted; seconded by Member Schultz, no further discussion; motion passed unanimously.

Town Administrator's Report – Laschelle McKay

Ms. McKay discussed items that were on the Town Council agenda for the month of October (see the October 8th Town Council meeting minutes for more detail).

Old Business:

Case # 1-10 Mummaugh Warehouse & Office Project - 22645 Van Wert Lane – Request for concept plan re-approval

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

Ms. Adler introduced the project, stating that the project received its original concept approval on January 19, 2010. As with all of the following projects requesting re-approval today, the project was allowed to remain in effect due to House Bill 921 which allowed for extension of approvals until Dec. 31, 2012. This bill was not extended; consequently the applicants must request re-approval by the end of the year to stay in effect. Nothing has changed on this project since its original approval and she included all the pertinent information related to it, in the packets for the P & Z members to review. Due to the new stormwater management regulations adopted on Dec. 13, 2010 the stormwater administrative waiver for this project will expire if final site plan approval is not received by May 4, 2013. All construction must be completed by May 4, 2017. She then introduced Mr. Mummaugh.

Mr. Candela asked if he ever planned to build this project. Mr. Mummaugh answered that he didn't know, it depended on many factors.

Mr. Mattingly asked where the stormwater management plans were for this project. Ms. McKay answered that this was only a concept approval and under our old SWM regulations, SWM plans weren't required until final site plan approval.

Mr. Mattingly pointed out that his floor plan and elevation plan didn't match. Mr. Mummaugh stated that he never changed the plans, but that when he comes back for final site plan approval he will correct that.

Member Mattingly made a motion to approve the concept plan re-approval request for Case #1-10, seconded by Member Schultz, no further discussion, motion passed unanimously.

Case # 92-07 Dr. Luke's Office Building Expansion - Request for final site plan re-approval

Contractor/Applicant:	W. M. Davis, Inc.
Owner/Developer:	Thachara, LLC
Location:	26220 Point Lookout Road
Zoning:	C-B
Engineer:	Mehaffey & Assoc., PC

Ms. Adler introduced the project, stating that this project received its original concept approval on December 17, 2007. It then proceeded to final site plan approval, which was obtained on October 27, 2008 (with conditions – see Oct. 27th minutes). The project plans were revised the next day and those are the plans you have before you today. Nothing has changed since that time. The project has received final approvals from the Town WWTP, Local Fire Dept. and DPW. New soil conservation approvals would be needed prior to the application for a building permit. The same conditions exist for SWM - because this project received final site plan approval before May 4, 2013, the stormwater administrative waiver will remain in effect as long as construction is completed May 4, 2017. She then introduced Mr. Jonathan Blasco, from Mehaffey and Associates who was representing Dr. Luke.

There was no discussion or questions on this project.

Member Candela made a motion to approve the final site plan re-approval request for Case #92-07, seconded by Member Mattingly, no further discussion, motion passed unanimously.

Case # 38-06 The Sterling House at Leonardtown Square – Tax Map 133, Block 4, Parcels 474, 476 & 477 – Request for concept plan re-approval.

Applicant: Mr. Dean Beck
Location: Tax Map 133, Block 4, Parcels 474, 476 & 477
Zoning: C-B (Commercial Business)

Ms. Adler introduced the project stating that on May 15, 2006 this project came before the P & Z Board for a change of use from residential to commercial restaurant (in the old Sterling House) and a concept plan approval for a new proposed office building in the rear of that property. It received concept approval at that time. On September 18, 2006, Mr. Beck came back before the P & Z Board with a revised concept plan. This plan added three new office buildings on Washington Street that would house office space, retail space and residential units on the top floor and got rid of the office building at the rear of the property. This project received concept approval. In March of 2007, the Town received plans that had been revised as per soil conservation and Planning and Zoning comments. On April 21, 2008 the project again came before the P & Z Board for a minor subdivision request to some of the lot lines. This request was approved. On November 17, 2008 the Sterling House Project came back for final plat approval for the whole project (the 4 parcels). The approval was granted. The parcel with the original Sterling House (that would become the restaurant) and the parking lot behind it was given final site plan approval and has been built. The rest of the site has not received final site plan approval at this time, but it does have plat approval. The same conditions exist for SWM - due to the new stormwater management regulations adopted on Dec. 13, 2010 the stormwater administrative waiver for this project will expire if final site plan approval is not received by May 4, 2013. All construction must be completed by May 4, 2017. She then introduced Mr. Dean Beck.

Mr. Mattingly asked how close building #3 was to the existing next door building. Mr. Beck answered that there was a 3' building restriction line and so the building was 3' or 4' from the lot line. Mr. Mattingly asked if the neighbor was okay with the building being that close. Ms. McKay stated that the neighbor did have concerns and meetings were held during the process. The building was moved back, which was the neighbor's biggest concern, and this plan is what was agreed upon.

Mr. Mattingly asked several questions about the parking for the new phases and his questions were answered. Mr. Beck stated that all the buildings would share the parking and it would be tiered like the existing parking.

Member Mattingly made a motion to approve the concept plan re-approval request for Case #38-06, seconded by Member Candela, no further discussion, motion passed unanimously.

Case # 45-05 Ellenborough Ridge Office Building – Medical Office Park – Tax Map 32, Block 23, Parcel 402, Lot 1- Request for concept re-approval.

Owner: Community Bank
Contractor/Applicant: Mr. Wayne Davis
Engineer: Mehaffey & Assoc., PC
Zoning: PUD (Part of Academy Hills PUD)

Ms. Adler introduced the project, stating that the project received concept approval on March 10, 2008. The project then started the final approval process, but got delayed because of some State Highway issues. Dr. Wilkinson, the original owner, no longer owns this property. It is now owned by Community Bank who is looking for a buyer. The re-approval of this concept plan may make the project easier to sell or more valuable, but this project may never be built exactly as shown. The same conditions exist for SWM - due to the new stormwater management regulations adopted on Dec. 13, 2010 the stormwater administrative waiver for this project will expire if final site plan approval is not received by May 4, 2013. All construction must be completed by May 4, 2017. She then introduced Mr. Billy Mehaffey who was representing Community Bank on behalf of this project.

Ms. Shultz asked if there was going to be a buffer between Academy Hills and this project. Mr. Mehaffey stated that there was no physical connection between the two projects at the request of the adjoining neighbors, who also asked for extra trees to be planted, and they were okay with the plan as presented here today.

Member Candela made a motion to approve the concept plan re-approval request for Case #45-05, seconded by Member Mattingly, no further discussion, motion passed unanimously.

Case # 65-12 - 22380 Greenbrier Road - 3 Lot Subdivision Request – Tax Map 121, Parcel 20

Owner: Michael Hutson
Applicant: Jeffrey Nieman, L.S. – Linear Surveys, Inc.
Zoning: R-SF

Ms. Adler introduced the project, stating that the minutes from the July 23, 2012 meeting were in the P & Z packets. These give a brief history of the project and some of the background information on this controversial piece of land at the end of Greenbrier Road. The consensus at the end of that meeting was to table this request until Mr. Hutson had a chance to speak with the surrounding neighbors and come up with a new site plan that addressed some of their concerns regarding the increased traffic on Greenbrier Road.

A new site plan has been submitted that still subdivides the property into three buildable lots. Mr. Hutson did speak with the Coryell's (the neighbors directly to the right of this property) and they wish to possibly buy the .45 acre Outparcel 'A'. They are present at the meeting today. Outparcel B, (.5 acres) would be left empty right now and Mr. Hutson is planning on building a home on the 1 acre, Lot #3.

The motion, if approved, should include language that the subdivision approval only allows for the one buildable lot. Any future development of the remaining outparcels must come back through the proper planning and zoning process. All three parcels of land on this property meet the criteria for a buildable lot (10,000 s.f. in size, minimum lot width of 70', minimum lot depth of 100'). The board still has the right to ask for a public hearing if desired, or since Mr. Hutson is replacing an existing residential structure (the house trailer) with another, which is allowed, the board may wait and if, in the future, Mr Hutson asks to build on either of the outparcels, then a public hearing could be requested at that time.

Mr. Candela asked Ms. McKay to explain what our town attorney said about this case. Ms. McKay stated that she had asked the attorney for an opinion on this case. Since Mr. Hutson is just replacing an existing structure on this lot and creating two outparcels, we really don't have a reason to prevent Mr. Hutson from subdividing his property, as long as we have the appropriate language in the motion as mentioned earlier.

Mr. Candela asked Mr. Hutson if he had spoken with any of the neighbors as requested. Mr. Hutson replied that he had spoken with the Coryell's next door, but had not spoken to any of the others, since he could not afford to do any road upgrades.

Ms. Shultz asked if Mr. Hutson would be hooking up to town water and sewer. Ms. Adler answered that yes, the existing septic tank would be abandoned and he would have to tie into the Town water and sewer.

Member Mattingly made a motion to approve the three lot subdivision request for Case #65-12, with the following conditions, that the subdivision approval is only for the one buildable lot and two outparcels, and the two outparcels may not be built upon without going through the proper process, including P & Z approval, seconded by Member Candela, no further discussion, motion passed unanimously.

Review of Monthly In-House Permits – Ms. Moulds commented that there certainly were a lot of in-house permits this month.

Review of Approved Town Council Meeting Minutes – No comments

Chairman Moulds entertained a motion to close the meeting. Member Shultz made the motion, it was seconded by Member Mattingly, no further discussion, motion passed unanimously. Meeting ended at 4:35 pm.

Respectfully Submitted:


DeAnn Adler

Approved:

Jean Moulds, Chairperson

Glen Mattingly, Member

Thomas Collier
Thomas Collier, Alternate

Jack Candela
Jack Candela, Member

Laura Shultz
Laura Shultz, Member

Absent
Heather Earhart, Member