



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
December 16, 2013 ~ 4:00 p.m.

Attendees: Jean Moulds, Chairperson
Laura Schultz, Member
Christy Sterling, Member
Heather Earhart, Member
Tom Collier, Alternate

Absent: Jack Candela, Member

Also in attendance were town staff members: Teri Dimsey, Recording Secretary, Maria Fleming, Event Planner, DeAnn Adler, Plans Reviewer and Laschelle McKay, Town Administrator; also Mr. Mike Mummaugh, Mr. Ned Brinsfield, Dick Myers from the Baynet and Nicole Clark from the Enterprise Newspaper. A complete list of other attendees is available on file at the Leonardtown Town Office.

Member Moulds called the meeting to order at 4:00 p.m. The minutes for the August 19, 2013 meeting were presented for approval.

Member Shultz moved to approve the August 19, 2013 minutes as submitted; seconded by Member Earhart, no further discussion; motion passed unanimously.

Town Administrator's Report:

Ms. McKay discussed items that were on the Town Council agenda for the preceding months (see the Town Council meeting minutes for more detail).

Member Moulds asked for a motion to close the regular meeting and open a public hearing regarding the zoning text amendments in Ordinances 159 through 163. A motion was made by Member Earhart and seconded by Member Shultz, motion passed unanimously. Public hearing began at 4:05 pm.

Ms. McKay introduced the ordinance changes that were included in the P & Z member's packets at today's meeting. These changes are an accumulation of additions/revisions etc. that we feel are necessary or have become aware of since the last set of zoning text amendments were approved

in 2010. The public hearing was advertised in the County Times Newspaper on November 27, 2013. The Town Council will also hold a public hearing on these ordinances in January at their regular meeting. At a future date we will be bringing changes to the Town's zoning map before this board for a recommendation also (that will probably happen in January or February).

Ms. McKay introduced all of the ordinances one by one. The first ordinance was #158, Rules of Procedure for Administrative Appeals. She stated that they may change the name of this ordinance and she explained its purpose. This ordinance was completed several years ago by the Board of Appeals along with their legal counsel, but for efficiencies sake, we were waiting until we had several changes to the zoning code so we could do them all at once.

Next was ordinance #159, a change in the size of parking spaces. She explained the changes that were being made to this ordinance and stated that this will bring our parking code more in line with what is now the standard. We are also increasing the size required in the driveway aisle by one foot to make getting into these smaller spaces easier.

The next ordinance, #160, is an amendment to multiple-family dwelling zoning. It is applicable to any zoning categories that allow multi-family. That would include residential multi-family, commercial business, commercial highway, or PUD zoning. This ordinance adds language that will require any developer who wants to have multi-family in their project to go thru the same process as for a PUD, we will look at open space, site design and will be requiring age appropriate private recreational amenities for the residents of that project. In section 155-17 we took garden apartments out of special exception use in multi-family and added it as an allowed use. We also changed the density bonus from 3 to 4 stories in height, only in the multi-family. In section 155-32, we added general retail under 20,000 s.f. to the zoning uses permitted.

In ordinance #161 we added funeral homes as a permitted use in commercial office zoning. This will clear up some grandfathered uses that we have. Currently we don't have any funeral homes in a commercial office zoning district, but if the C-O districts change in the future this would be an allowable use.

Ordinance #162 requires single family homes to have paved driveways. In PUD subdivisions in the town all of the single family homes have paved driveways, so this is just for lots that are not in a subdivision. This will keep consistent the look of the town. We can do a temporary U & O if the driveway cannot be paved right away for whatever reason.

Ordinance #163 pertains to our digital sign code. We are changing the allowable height of digital signs to be the same size as our regular ground monument signs and cleaning up the language in the code so that its meaning is clearer.

Chairman Moulds went through the ordinances one by one and asked the members if they had any comments on the proposed changes.

Member Earhart asked if these new parking space dimensions would be the same as the Old Navy parking lot in California, MD. Member Sterling stated that she worked for the firm that did the design for that parking lot and it was not designed with a typical 9' x 18' size space.

From the audience, Mr. Ned Brinsfield asked if this new allowable use in Ordinance #161 would just be for commercial-office zoning. Ms. McKay stated yes, but it would still be allowed in commercial business also. In the area where Mr. Brinsfield's funeral home was located, he is a grandfathered use because he is zoned multi-family and would be allowed to continue as such, and if in the future that area is rezoned commercial-office he would then be an allowed use with this new ordinance.

Member Sterling asked about ordinance #162. The ordinance states that driveways must be paved with asphalt or concrete and doesn't mention other possible paving types, such as pavers, pervious pavers or concrete etc. Ms. McKay stated that that was a good point and that language should be added to the ordinance to take that into consideration.

Upon hearing no further public comments Member Moulds entertained a motion to close the public hearing. A motion was made by Member Earhart and seconded by Member Shultz, motion passed unanimously. The regular P & Z meeting was re-opened for further comments by the board.

Each ordinance was then discussed further before being voted on for recommendation individually.

#158 – Member Shultz made a motion for a favorable recommendation for this ordinance as written. The motion was seconded by Member Earhart, motion passed unanimously.

#159 - Member Sterling made a motion for a favorable recommendation for this ordinance as written. The motion was seconded by Member Schultz, motion passed unanimously.

Ordinance #160 - Alternate Collier commented on the density bonus section of this ordinance. He stated that he was not in favor of changing the bonus from 3 stories to 4 stories. He quoted a sentence from the town's comprehensive plan that "one of Leonardtown's goals is to preserve the small town historic character" and he feels that having a 4 story building in the town does not represent a small town character. He realizes that we have to balance growth and maintaining the historic character of Leonardtown and he feels that this swings too far over in the wrong direction towards growth over character. Especially if you have a multi-family project next to a single family residential project, the contrast would be too drastic.

Ms. McKay wanted to point out that other Town Council members have expressed their opinion that they are in favor of the 4 story density bonus and don't feel it is a problem. She pointed out on the zoning map that the multi-family areas we are talking about for this ordinance would not be in the downtown historic area and so would not affect the historic character of the downtown.

Member Moulds stated that the only time she could remember talking about a 4 story building in Leonardtown was at the hospital and she could see its need there. But she had to agree with Mr. Collier that we discussed this before and we were definitely against having it higher at that time. You can always ask for a special exception if a developer wants to do 4 stories and that is what the Board of Appeals is for.

Ms. McKay pointed out that this proposed ordinance required additional provisions to qualify for the bonus and additionally it can only be acquired through the special exception process.

#160 – Member Earhart made a motion to give a favorable recommendation with the caveat that they would like to see the density bonus (section 155-17) left at 3 stories instead of 4. Member Sterling seconded the motion. Motion passed unanimously.

#161 - Member Earhart made a motion for a favorable recommendation for this ordinance as written. The motion was seconded by Member Schultz, motion passed unanimously.

#162 – Member Earhart made a motion for a favorable recommendation for this ordinance with a couple of changes. 1. Add wording such as “or pavers or other acceptable paving material” 2. Clarify the wording regarding the turn-arounds and parking areas. The motion was seconded by Member Earhart, motion passed unanimously.

Mr. Collier asked if this ordinance would override critical areas requirements. Ms. McKay stated no, it would not.

#163 – Member Sterling made a motion for a favorable recommendation for this ordinance as written. The motion was seconded by Member Schultz, motion passed unanimously.

Review of Monthly In-House Permits – No comments

Review of Approved Town Council Meeting Minutes – No comments

Member Moulds entertained a motion to close the meeting. Member Shultz made the motion, and it was seconded by Member Sterling, no further discussion, motion passed unanimously. Meeting ended at 4:50 pm.

Respectfully Submitted:

DeAnn Adler

Approved:

Jean Moulds, Chairperson

Jack Candela, Member

Christy Sterling, Member

Laura Schultz, Member

Thomas Collier, Alternate

Heather Earhart, Member