



# Commissioners of Leonardtown

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DANIEL W. BURRIS  
Mayor

LASCHELLE E. MCKAY  
Town Administrator

**Commissioners of Leonardtown**  
**Leonardtown Planning and Zoning Commission Meeting**  
*June 20, 2016 ~ 4:00 p.m.*

Attendees: Jean Moulds, Chairperson  
Heather Earhart, Member  
Laura Schultz, Member  
Jack Candela, Member

Also in attendance were Mayor Dan Burris, Town Administrator Laschelle McKay and Town staff members Teri Dimsey, Recording Secretary, and Jada Stuckert, Planning & Zoning Assistant.

Mark Guadagnoli of Rainbow Construction was also present. Several town residents were also in attendance. A complete list of attendees is on file at the Town Office.

Chairperson Moulds called the meeting to order at 4:00 p.m. The minutes of May 16, 2016 meeting were presented for approval.

**Member Candela moved to approve the May 16, 2016 minutes as submitted; seconded by Member Schultz. There being no further discussion, the motion passed unanimously.**

Chairperson Moulds indicated there would be one addition to the agenda; Ordinance 176, Addition of Micro-Breweries.

**New Business:**

**Case #34-15 PNC Bank - 41615 Park Avenue – Leonardtown Apartments**

Final Site Plan approval  
Parking Fees-In-Lieu recommendation

Owner: Rainbow Construction Corp.  
Property: Tax Map 133, Parcel 420  
Total Land Area: 7,846 sq. ft.  
Zoning: Commercial Business (C-B)

Ms. Stuckert gave an overview of the request for final site plan approval indicating Rainbow Construction Corp. received a demolition permit on January 2016 for the property located at 22670 Washington Street, better known as the PNC Bank Building. The applicant is requesting Final Site

Plan approval for renovations to include a 3,463 +/- square foot restaurant space on the first floor, three (3) apartments on the second floor, and four apartments on the third floor, for a total of seven (7) apartments. The architect has been working with the Fire Marshall and the utilities are being reviewed by the Town staff. Because there is a change of use on the second and third floors, per Section 155-55 of the Code of Leonardtown parking shall be provided at 2 spaces per dwelling unit, for a total of 14 off-street parking spaces. For many years, the PNC Bank Building has not provided its own dedicated parking spaces. The current parking fee in lieu is set at \$1,200 per space. The Town Council passed a Resolution at their June 13<sup>th</sup> meeting to set aside 22 parking spaces in the public lot behind Town Hall for Residential Permit Parking after 5 p.m. Monday thru Friday and on Saturday and Sunday. These spaces will be reserved to accommodate these apartments as well as Seymour Town Building and the apartments above the Rex.

Member Candela asked if the elevation would be modernized and if the name on the building would remain the same or be removed. Mr. Guadagnoli indicated there would be no exterior renovations and there is no plan to remove or change the name of the building at this time.

Member Schultz asked if there would be enough parking for the seven (7) apartments. Ms. McKay indicated there is currently enough parking to meet the needs of the proposed apartments. According to the 2004 parking study, there is plenty of parking we just need better signage.

**Chairperson Moulds entertained a motion to approve the retail/restaurant on the first floor and seven (7) apartments on the second and third floor and to send a favorable recommendation to Town Council for parking fees-in-lieu for 14 spaces. Member Schultz made the motion, which was seconded by Member Earhart. There being no further discussion, the motion passed unanimously.**

#### **Town Administrator's Report:**

Ms. McKay reported on several items from the May Town Council meeting. Resolution 2-16 was passed and Ordinance 176 pertaining to micro-breweries was introduced. Council gave two letters of recommendation for liquor licenses to Leonardtown Cigar and Urban BBQ. The new Dunkin Donuts has a grand opening scheduled for July 7<sup>th</sup>. Council granted final site plan approval to The Hamptons with the condition of receiving approval for the access road. Council approved Resolution 3-16 in regards to assigning 22 parking spaces in the municipal parking lot behind town hall for residential only parking. The Council reposted the request for proposals for a restaurant at the wharf and received the waterway grant which will build piers at the wharf.

**Chairperson Moulds entertained a motion to close the regular meeting and open the public hearing. Member Candela made the motion, which was seconded by Member Schultz. There being no further discussion, the motion passed unanimously.**

#### **4:15 p.m. Public Hearing:**

##### **Case #25-16 Rezoning Request – Executive Inn – 41655 Park Avenue**

Request for recommendation to Town Council for rezoning from C-B (Commercial Business) to R-MF (Residential Multi-Family)

Applicant: Savita ODhav  
Owner: B. Santosy Inc.  
Property Info: Tax Map 133, Parcel 423  
Current Zoning: Commercial Business (C-B)  
Requested Zoning: Residential Multi-Family (R-MF)  
Acreage: 21,924 sq. ft.

Ms. McKay indicated the applicant is not present at this time. Ms. Stuckert gave an overview of the rezoning request stating in accordance with the rezoning process the property has been posted, certified mailings to adjacent property owners were mailed and an ad was placed in the County Times Newspaper on June 9, 2016. The Planning Commission is holding a Public Hearing today on the rezoning and will make a recommendation to the Town Council, who will hold a Public Hearing on July 11, 2016 for a final decision.

The property was originally developed as a motel by the Miedzinski family in 1958. The motel changed ownership in the early 1980's and the Patel family has owned the property since. In 2007 the Relax Inn received final site plan approval to undergo a total renovation and become the Executive Inn. The new 3 story hotel opened in November 2008.

The applicant is proposing to rezone the property from Commercial Business (C-B) to Residential Multi-Family (R-MF) in order to accommodate an Assisted Living Facility. Section 155-17 (C) of the Code of Leonardtown allows as a Special Exception Use, housing for the elderly at a maximum density of 12 units per acre and a maximum height of three stories. There would be a process for approval of an assisted living facility even if the R-MF zoning is approved at this time. The owners believe this type of facility would be more profitable and of benefit to the town.

According to Article 66B of the Annotated Code of Maryland, rezoning can only be granted where it has been demonstrated that a mistake in the original classification of the property or that there has been a significant change in the character of the neighborhood to warrant rezoning.

Chairperson Moulds opened the hearing to public comment.

Beverly Stickles of Cedar Lane Senior Living Center asked if a market study has been done to see if senior living is needed and if the applicant has applied for the proper licenses. Ms. McKay indicated she is unable to answer these questions, the applicant should do so.

Jane Rowe of Opal Fine Art testified that the rezoning of the property would mean the loss of a hotel which would be a great detriment to the arts & entertainment district.

Valerie Deptula of The Good Earth Natural Foods indicated she is concerned that the rezoning would revert the building back to the way it was when it was the Relax Inn. I am concerned with the crime and drug use on the property when it was the Relax Inn. These types of activities cause concern for the neighborhood and my customers.

David Abell testified that he mimics the comments already made and does not want the building to become a constant aggravation as it once was in the past.

Member Earhart asked if the owner has done research on the demographics and potential clientele. Ms. McKay indicated she is unaware of any research done by the applicant.

**Chairperson Moulds entertained a motion to close the public hearing and re-open the regular meeting. Member Candela made the motion, which was seconded by Member Earhart. There being no further discussion, the motion passed unanimously.**

**Chairperson Moulds entertained a motion to table the public hearing until the applicant can be present. Member Schultz made the motion, which was seconded by Member Earhart. There being no further discussion, the motion passed unanimously.**

### **New Business Cont.**

#### **Ordinance No. 176**

Ms. McKay introduced Ordinance No. 176 which adds the use of micro-breweries in Article 5. Commercial Business District, §155-25.L and Article VIII. Commercial Marine District, §155-36.I. Ms. McKay stated the ordinance was introduced at the May 9<sup>th</sup> Town Council meeting. Ms. McKay indicated staff is looking for a favorable recommendation to Town Council.

**Chairperson Moulds entertained a motion to recommend approval of Ordinance 176, to allow micro-breweries in the Commercial Business and Commercial Marine Districts. Member Earhart made the motion which was seconded by Member Candela. There being no further discussion, the motion passed by a 4-0 vote.**

At this time the applicants for the Executive Inn rezoning hearing showed up. Many of the public had left and the hearing had been closed. Chairperson Moulds informed the representatives that the hearing would have to be rescheduled since they were not here until after the hearing was closed.

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

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

**Chairperson Moulds entertained a motion to close the meeting. Member Candela made the motion; seconded by Member Schultz. There being no further discussion, the motion passed unanimously. The meeting was adjourned at approximately 4:55 p.m.**

Respectfully submitted:

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Jada Stuckert, Planning & Zoning Assistant

Approved:

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Jean Moulds, Chairperson

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Laura Schultz, Member

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Heather Earhart, Member

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Christy Hollander, Member

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Jack Candela, Member

*Absent*

Jack Candela, Member