



Commissioners of Leonardtown

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J. HARRY NORRIS
Mayor

LASCHELLE E. MILLER
Town Administrator

Commissioners of Leonardtown
Leonardtown Planning and Zoning Commission Meeting
July 21, 2008 ~ 4:00 p.m.

Attendees: Jean Moulds, Chairperson
Jack Candela, Member
Frank Fearn, Vice Chair

Also in attendance were: Laschelle Miller, Town Administrator; DeAnn Adler, Plans Reviewer; Teri Dimsey, Recording Secretary; Jackie Post, Fiscal Clerk; Michael Pierce/Daniel Fogel, LSA; Mayor Norris; Tom Russell/Tom Dennison/George Hayden, SMECO; Joseph Mitchell, Attorney; A complete list is available on file at the Leonardtown Town Office.

Chairperson Moulds called the meeting to order at 4:05 p.m.

The meeting minutes for the June 21, 2008 Planning and Zoning Commission meeting were presented for approval.

Chairperson Moulds stated that they just received the minutes for the June 21, 2008 meeting and as the members have not had an opportunity to review, the minutes will be tabled and brought forth for approval at the August meeting.

Town Administrator's Report – Laschelle Miller

Ms. Miller reported that the last Town Council meeting was held on July 14, 2008. We introduced Ordinance #141 which is an amendment adding Wineries as an allowed use to the Recreation and Parks Zoning category. Planning and Zoning Commission will be holding a public hearing on this ordinance next month and it will then go back before Town Council.

A Sub-Recipient Grant Agreement was signed with St. Mary's County for a generator. We received a \$62,000 Homeland Security Grant for a back up generator for our main well.

Council was updated on the Port of Leonardtown. We are ready to hire a Winery Consultant and put out the bid for the construction/renovation.

The Governor, his Cabinet Secretaries and staff will be here to announce Leonardtown as Capital for a Day on July 17, 2008. Council has been briefed on the schedule.

Member Candela asked Ms. Miller for an update on the streetscape project.

Ms. Miller responded that there was an engineering problem with some of the storm drain elevations. They had to stop working and redesign the storm drains. All redesign work is now completed and parts ordered. They have begun some preparation work on Fenwick Street until the new storm drains arrive.

NEW BUSINESS:

Case # 70-06 Community Bank Request for Sign Variance:

Applicant: Wayne Davis (for Community Bank)

Location: 25395 Point Lookout Road

Zoning: Commercial Business

Enclosed: - Sketches of proposed sign

The applicant is requesting a variance to allow the proposed sign to be lighted by L.E. D. and have a variable message marquee located in the middle panel of this sign.

From the Leonardtown Zoning Code:

§ 155-105. Variances.

A. Subject to the provisions of Article XIX, the Board of Zoning Appeals shall have the power to grant a variance in the density, bulk, height or area requirements in any district so as to relieve practical difficulties or particular hardships when and where the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the enactment of such regulation or restriction or by reason of exceptional topographical conditions or other extraordinary situations or conditions of such piece of property. Such grant or variance shall comply, as nearly as possible in every respect with the spirit, intent and purpose of this chapter. The purpose of this provision is to authorize the granting of a variance only for reasons of demonstrable and exceptional hardship as distinguished from variations sought by applicants for the purpose or reasons of convenience, profit or caprice.

From the Leonardtown Signage Code:

Section 8-5 Illuminated Signs

1. Illuminated signs shall be permitted in the C-G, C-M and C-H districts only.

2. The illumination of any sign or outdoor advertising structure shall be designed so as not to shine or reflect light into residential structures. The light intensity or brightness shall be shaded, shielded or directed so that it will not adversely affect surroundings or facing premises or affect the safe vision of motorists.

3. No sign shall have blinking, flashing or fluttering lights, or other illuminating devices which change light intensity, brightness or color. A variance may be granted by the Zoning Board for signs

having moving devices to show the time, temperature and date only. Beacon lights or search lights shall not be permitted for any advertising or sign purpose.

Action Needed Today: Recommendation, favorable or unfavorable, to the Board of Appeals, scheduled for a public hearing September 9, 2008.

Ms. Adler stated that Mr. Wayne Davis was in attendance if the Members had any questions.

Chairperson Moulds commented that Ms. Adler said that the sign was approved except for the middle section. This was not considered a new sign because it was a new building?

Ms. Adler responded that the height and the size met the requirements and they have already started construction on the sign leaving the middle section to be completed upon approval.

Ms. Miller noted that when they submitted their site plan the Planning Board approved leaving the sign up but the LED illumination does not meet the criteria which would require them to obtain a variance. If it were only showing time and temperature, the Planning Board would have authority to approve it, but it will be a variable message and that is not an allowed sign. Therefore, it is required to go through the variance process. We have also heard that there are other businesses that are looking into using variable message, LED signs in the future.

Member Fearn remarked that the concern is that this may open the door to signage that may be overly bright. Also many businesses are close to residential homes and this type of sign may be brightly lit all the time, shining into people homes late at night. Once we open this door we may start receiving more requests and we do not have any guidelines addressing this type of signage.

Ms. Miller stated that St. Mary's County has passed or is considering passing measures that illuminated messages may be restricted to specific rules of operation.

Chairperson Moulds remarked that she agreed with Member Fearn and Candela that we may receive requests for different sizes and colors, etc. and we presently have businesses that have "open" signs that have color and blink that have not been approved.

Ms. Miller replied that one option is to table this and do some research and establish some guidelines that would need to be introduced by the Town Council and then go before the Planning and Zoning Commission for a public hearing. We do have a public hearing scheduled for the August meeting. We could try to present it at that time but it may take a bit longer.

Member Candela stated that today's action is to provide a recommendation to the Board of Appeals to begin the variance process.

Ms. Miller replied yes. They will put their sign up but will keep the middle section for the illumination empty until they go through the variance process and received approval for the illumination or revert back to the manual type signage which meets the regulations.

Member Fearn moved on Case #70-06 – Community Bank request for a Sign Variance to table this request until guidelines have been developed in regards to illuminated signage; Member Candela seconded, no further discussion, motion passed unanimously.

Mayor Norris took a moment to introduce Heather Earhart, recently appointed to the Planning and Zoning Commission. Ms. Earhart has been a resident of Leonardtown for three years and resides in Academy Hills. She has been very active in forming their Home Owners Association and other activities. We welcome her and thank her for her participation and support.

Chairperson Moulds entertained a motion to close the regular meeting.

Member Fearn moved to close the regular meeting; Seconded by Member Candela, motion passed unanimously.

PUBLIC HEARING

Chairperson Moulds opened the Public Hearing on Case #48-08 – SMECO Rezoning.

Case #48-08 SMECO Expansion - Rezoning Request from R-SF to C-B:

Applicant: SMECO
Engineer: CDS Associates, Inc.
Location: Tax map 121, Parcel 61 (Next door to the SMECO Offices on Hollywood Road)
Zoning: Currently Residential Single Family – R-SF
(SMECO Property Next Door Zoned C-B)

Enclosed:

- Concept Plan
- Description of Project
- Deed
- Breton Village Site Plan

In your packets was a description and drawings for plans for the future expansion of their regional office site. SMECO will be pursuing concept approval for these expansion plans at a later date. Today we are just concerned with the rezoning of the 2.23 ac. site adjacent to the existing SMECO property and now owned by SMECO. Representatives from SMECO will be making a presentation. A public hearing notice was advertised in the Enterprise on July 2, 2008 and certified letters were sent to the surrounding neighbors, also the public hearing notice signs were posted on the property as required.

Basis for Rezoning: For any request to rezone, the applicant must first prove that there has been a change in the neighborhood of the property since the adoption of the Zoning Ordinance and maps in May 1974 or that the Ordinance or maps were in error regarding the applicant's property.

Action Needed Today: The applicant is requesting a recommendation to the Town Council, either favorable or unfavorable, for the rezoning of this property from R-SF to C-B for the Town Council meeting on August 11, 2008.

Ms. Adler reported that this was for a request by SMECO to change the zoning on a 2.23 ac. parcel of land, located adjacent to SMECO, from Residential Single Family to Commercial Business. The SMECO property located next door is currently zoned C-B also. This 2.23 ac. of land had previously been platted as the Breton Village subdivision with 5 lots on a small cul-de-sac off of Hollywood Road. Representatives of SMECO were present to make a presentation to the P & Z Board.

Ms. Adler stated that the Notice of Public Hearing had been advertised on July 2, 2008, certified letters were sent to the surrounding neighbors and the property was posted, as required.

Mr. Joe Mitchell stated that last month a presentation was made to the board regarding the upgrades, expansions and changes that SMECO was planning for their facility on Hollywood Road. He restated what was planned for the entire site and then focused on the 2.23 ac. parcel. He pointed out that they had made some changes to the plans by taking into consideration some comments made at last month's meeting regarding the buffering along the sides of their property that abuts the single family homes and they had increased the landscaping along that area to add significant screening. The 2.23 ac. parcel would be used for a staging area to accommodate contractor's trucks during emergency situations only and have a permeable surface that grass would grow through. He passed out a handout showing how the stabilized grass parking lot would look.

Mr. Mitchell next addressed the rule that requires either a change in the neighborhood or a mistake in zoning as the basis for a rezoning request. He stated that changes in the neighborhood had been significant over the last decade. He used examples such as the large increase in population, the upgrade in Rt.245/Hollywood Road, resulting in more traffic along that corridor, the addition of the Community College down the street and the Government Center across the street, the addition of Wayne Davis' Office buildings and the Board of Ed. buildings nearby, as all examples of Commercial/Institutional uses that have been built near this site. He stated that directly across from their parcel is a farm that is zoned PUD which would probably have commercial as a part of it and also that there has been a significant increase in demand for electricity since the Hollywood Road site was originally built, thus the need for expansion. He also stated that they plan to revise the storm water management plan for the entire parcel to address some drainage issues.

An adjacent neighbor, Mr. George Johnson, spoke up regarding the storm water issues. He stated that almost every time there was a heavy rain, his property would have standing water on it because of SMECO's runoff.

Mr. Wayne Davis then spoke, saying that what he observed was that the natural drainage swale that was designed for SMECO was not built the way it should have been according to plans he saw. But that the drainage issues could be worked out if storm water management was redesigned properly.

Tom Russell, from SMECO, replied that they would certainly address that issue at the next phase of development, but they were not yet at that point of design. But that the permeable grass parking lot in the 2.23 ac. site would not contribute to the drainage problems at all.

Member Candela asked if there was any chance that the 2.23 ac site could become a permanent parking lot at any time in the future. He was concerned because that area is the gateway into Leonardtown from Hollywood Road.

Mr. Russell replied that no, if anything the Hughesville facility will grow larger, but not the Hollywood facility, no plans are in the long term planning beyond what we've shown you, even for 30 years down the road.

Mr. Mitchell also pointed out that the buffer area along the edge of this parcel would be allowed to grow back and be re-forested to make a good buffer for the adjacent neighbors, approximately 100 feet wide.

Chairman Moulds closed the public hearing and re-opened the regular meeting.

Member Candela reiterated the need to make sure SMECO addresses the storm water management and the buffers as it affects their neighbors.

Member Fearn moved on Case #48-08 SMECO Expansion - Rezoning Request from R-SF to C-B to recommend approval to rezone due to the change of the neighborhood; Member Candela seconded the motion; motion carried unanimously.

Monthly In-House Permits - No Questions

Town Council Minutes – No Questions

Member Candela moved to adjourn the meeting at 4:55 p.m., seconded by Member Earhart, no further discussion, and motion passed unanimously.

Respectfully Submitted:

Teri Dimsey, Recorder

Approved:

Jean Moulds, Chairperson

Frank Fearn, Vice Chair

Jack Candela, Member

Heather Earhart, Member