



Commissioners of Leonardtown

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

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J. HARRY NORRIS
Mayor

LASCHELLE E. MILLER
Town Administrator

Commissioners of Leonardtown
Leonardtown Planning and Zoning Commission Meeting
October 27, 2008 ~ 4:00 p.m.

Attendees: Jean Moulds, Chairperson
Frank Fearn, Vice Chair
Jack Candela, Member
Heather Earhart, Member
Glen Mattingly, Member

Also in attendance were: DeAnn Adler, Plans Reviewer; Teri Dimsey, Recording Secretary; Jackie Post, Fiscal Clerk; Joseph Mitchell, Attorney; Janet Russell, BOCC; Kevin Combs, Resident, Robert Combs, Resident, Larry Abell, Abell & Assoc; George Hayden, SMECO; James Warner, CDS Assoc.; J Harry Norris, Mayor. 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 September 15, 2008 Planning and Zoning Commission meeting was presented for approval.

Chairperson Moulds entertained a motion to approve the minutes.

Member Fearn moved to approve the September 15, 2008 minutes; Member Mattingly seconded, no further discussion, motion passed unanimously.

NEW BUSINESS

Case #162-04 22750 Longmore St. - Kevin Combs:

Applicant: Kevin & Kristi Combs
Location: 22750 Longmore Street
Current Zoning: R-SF

Ms. Adler reported that the applicant is requesting a six foot side yard setback variance to construct an enclosed, attached, garage addition to his house. At present, Mr. Combs' house sits 12' from his side yard property line. He wishes to build a garage 10' wide. The Town's code



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requires a side setback for R-SF of 8', so he would encroach 6' into that side yard setback. On his application he did not state a hardship as a reason for this request, other than the size of his property. He has also enclosed a letter, signed by his neighbor on the side where the garage will be built, stating that she does not have any objection to this garage. To give you more information in making your decision I have enclosed the new ordinance change #137 which deals with detached garages. This allows garages to be 3' from a side yard line. Mr. Combs' garage will be attached.

Action Needed Today: Recommendation, favorable or unfavorable, to the Board of Appeals. A BOA and public hearing for this request is scheduled for November 3, 2008.

The Board members asked a variety of questions concerning the setback on the other side of the house and the impact on the neighbors and the neighborhood.

Member Candela remarked that ten feet seems a bit narrow for a car with the doors open, is it your intention to use it as a garage or as a workshop?

Mr. Combs responded that his intent is to use it as a storage facility for his cars as there have been a few incidents of vandalism. There are a few homes on my street that have existing garages up to their property lines and some have open garages.

Member Mattingly remarked that he felt this does not meet the hardship test.

Member Fearn and Member Candela felt this request would set a precedent for the neighborhood.

Member Earhart stated that she is concerned that his cars are getting vandalized.

Member Fearn moved on Case #162-04 to give an unfavorable recommendation to the variance request; Member Mattingly seconded, no further discussion, four Members voted in favor, Member Earhart was opposed, motion passed.

Case #93-08 22699 Washington St. – Old Hospice Bldg. :

Applicant: Washington Street Partners
Location: 22699 Washington Street
Current Zoning: C-B

Ms. Adler reported that the applicant, Mr. John Norris, is requesting concept plan approval for a redevelopment and expansion project for the old Hospice building site. This project will consist of a new two-story building. The facade of the new building is designed to tie in with the old hotel building next door. The ground floor will have two retail spaces with a shared front door off the street, leading to individual doors inside the building. The top floor will have 6 apartment units, 4 with two bedrooms, 2 bath apartments and 2 with one bedroom, one bath units. Some will have small balconies. Mr. Norris has had in the past, an agreement with the Knights of Columbus to lease the parking lot behind his building to satisfy his parking requirements and he



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will be working on that same sort of arrangement for this building. Mr. Norris will be present at the meeting to discuss his project in more detail and answer any questions.

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According to the Leonardtown Code, Section 155-25, listing permitted uses in C-B Districts, retail stores under 20,000 s.f and multiple-family dwellings are permitted, conditioned upon demonstration of strict compliance with the off-street parking requirements of Article XI. For the 6 apartments, 12 spaces would be required and for the retail 1 space per 200 s.f of retail floor area will be required. Fees-in-lieu could also possibly be used for some of the required parking.

Here is the excerpt from the presentation made to the Town Council at the September 8, 2008 meeting:

Washington Street Partners Redevelopment Project- Mr. John Norris is proposing a redevelopment project for the Hospice building at 22699 Washington St. He is proposing dividing the first floor into two retail spots and adding a second floor for 6 apartments. Drawings of the proposed building were shown. Council needs to decide to move the project forward as a redevelopment project due to additional EDU requirements and forward it on to the Planning and Zoning Commission.

Council members asked questions in regard to the exterior, the mixed use concept plan and the number of EDUs required.

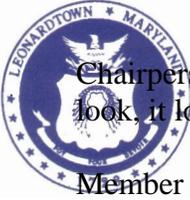
Councilmember Roberts moved to forward the project on to the Planning and Zoning Commission as a revitalization project; Councilmember Burris seconded, no further discussion, motion passed by vote of three in favor, Member Collier opposed and Councilmember Combs abstained.

Action Needed Today: The applicant is requesting concept approval. The Planning and Zoning Commission can approve, approve with conditions, deny or table the decision.

Mr. John Norris, representing Washington Street Partners, introduced Mr. Larry Able of Able and Associates who have done the design work. Mr. Norris provided a brief overview of the project and they are here today to answer any questions.

The Members asked a variety of questions regarding the parking, property lines, the amount of EDUs, the square footage for retail space and type of siding they are planning.

Mr. Norris and Mr. Able addressed those questions, explaining that there is adequate parking but it is a concern. They are planning for approximately 5300 sq foot of retail space, approximately 2500 for each user. They have chosen to use hardy panels, which have a 50 year life span and have a wood like look and paint very well. The reason this product was chosen, instead of brick, is because we are adding a lot of windows and trying to match brick to the existing brick would be very difficult to do. This gives us the opportunity to add a lot more fenestration so that we can add additional features to give it a quaint Town look.



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Chairperson Moulds remarked that the renderings of the building do not portray an old Town look, it looks like a brand new building and our aim is to keep an older look in the downtown.

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Member Candela agreed that it is a beautiful building but is not sure that it is the building for downtown Leonardtown. We have had several issues regarding architectural designs for the downtown area and are trying to keep the design within the Georgian brick type of look. The building next door is a frame type building but does have a recessed porch which gives it some character.

Member Fearn remarked that he too felt this is incompatible with the downtown architecture and would recommend that they meet with staff to review the standards and recommendations for the downtown planning and come back with something a bit more suited to the downtown area.

Mr. Norris responded that they are trying to make it look like a part of the Town but the present brick is not particularly attractive; we were looking for something to bring the building to life.

Mr. Able remarked that we have done a lot to break the building up and give it more architectural details of an old Town.

Member Mattingly inquired if the foundation was designed to hold two stories of brick.

Mr. Norris responded that Mr. Sparling's son cannot provide the details, but for a long time it was believed that Mr. Sparling had always designed the building to support a second floor. This can be checked out structurally and we had had a structural engineer checking out the steel but the footings and foundation are the biggest concern and is more difficult to do.

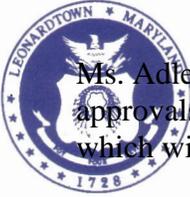
Ms. Adler stated that we could work with the applicant before the next meeting for them to present a new design again.

Member Fearn moved to recommend we table Case #93-08 until the next Planning and Zoning Commission meeting after they have had a chance to meet with Town staff to review the architectural details and provide a copy of the old plat; Member Candela seconded, no further discussion, motion passed unanimously.

OLD BUSINESS

Case # 92-07 Dr. Luke's Office Building Expansion –

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



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Ms. Adler reported that the applicant is requesting final site plan approval for this project. All approvals from the various state and county agencies have been obtained, except Fire Marshall which will be done after final engineering plans are completed.

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Town Administrator

• Please note the concerns with the architecture of the building at the time of concept approval. At the Planning and Zoning meeting last month there were several issues regarding the architecture of the building and the site plan that were discussed. Below is an excerpt from the minutes of the September 15, 2008 meeting regarding the discussion of Dr. Luke's project:

Member Candela quoted from the minutes of the December 17, 2008 meeting:

"The Members asked a few questions but agreed they would all like to see more architectural elements to lessen the huge look of the roof and break up the long horizontal look of the building. They suggested changing the size of the dormers, adding windows, shutters or other architectural elements to break up the long look. Also, add parking islands and landscaping."

I am looking at the new drawing versus the old one and it appears to be a larger roof, I do not see where any of the issues mentioned were addressed.

Mr. Wayne Davis came forward to present to the Board an explanation of the drawings.

Member Mattingly remarked that the parking area does not show a pedestrian walkway or sidewalks. The parking spaces do not look like they meet the specified code. Nor do I see a designated area for a trash container. There does not appear to be adequate lighting for the size of the parking lot nor any screening to dull the headlights for the next door neighbor. Landscaping and additional tree plantings also seem to be missing.

Ms. Miller commented that DPW does a review of site plans presented to us to ensure the correct code is met and adhered to.

Chairperson Moulds noted that it is hard to visualize any changes from the site plan we received as it looks exactly as previously presented.

The Board Members and Mr. Davis discussed items regarding the lighting, the entrance locations and sidewalks. They would like to see a better architectural rendition of what the building will look like to include the issues discussed today such as the lighting, the parking lot and landscaping and possibly changing the roof line or dormers, and side elevations showing the entrance.

Mr. Davis remarked that he will come back before the board with new renderings addressing the items discussed today.

Member Candela moved on Case # 92-07 to table the request for final site plan approval until more detailed architectural drawings are provided with the sidewalks, parking, lighting,



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landscaping and other items discussed today; seconded by Member Fearn, no further discussion, motion passed.

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In response to those comments Mr. Davis has submitted new architectural's with basically the same building but with more details shown and also side and rear elevations. Also a color rendering of the building was submitted.

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Below is a list of concerns brought up at the September meeting and Mr. Davis's response to them:

1. Sidewalks – They have now been adequately provided.
2. Lighting – Since the building will not be used at night, lighting, other than spotlights on the building with minimal glare, is not required. See Code section 155-50 – D-5.
3. Dumpster – Dr. Luke plans to continue using trash cans and not a dumpster. The trash can area is enclosed in a 6' high stockade type fence. Trash bins will be moved by custodial services for dumping.
4. Parking Space Size – Our code says "not less than 180 square feet or less than 9' wide". Dr. Luke's spaces are 9' wide but only 18' long which equals 162 s.f. This seems to be the new industry standard. Our municipal parking lot has spaces this size, as do most other new developments and it seems to be adequate.
5. Landscaping – A landscape plan has been added to the layout plan, it meets code.

Action Needed Today: The applicant is requesting final site plan approval at this time. The Planning and Zoning Commission can approve, approve with conditions, deny, or table the decision. Approval is contingent upon staff receiving final approvals from all agencies.

Member Fearn inquired if the ramp would allow a handicapped person to come up on the side?

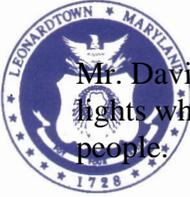
Mr. Davis responded that yes it would.

The Members were concerned there were not enough handicapped parking spots available and asked if more could be added or rearranged to make it more easily accessible to the ramp and also better accessibility to the sidewalks.

Mr. Davis responded that they could add some additional spots and make those changes to accommodate the handicapped.

Member Mattingly expressed concern that they are asking for final site approval but do not have a final site plan on hand.

Member Mattingly remarked that it does not appear that there is adequate lighting in the parking lot. The minutes indicate they are not needed as they do not operate after hours but they do, as I have been there after hours. The gabled roof line projects out and that may blind people. I am convinced that there is a need for a light fixture in the parking lot.



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Mr. Davis replied that the lighting will be placed on the building. These types of lights are down lights which project down at an angle and should provide sufficient lighting without blinding people.

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Member Mattingly expressed concern about the long roof line and breaking it up somehow would make it more attractive.

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Mr. Davis remarked that this building is actually pretty small; it appears larger in the drawings. We can change it to a more traditional gabled roof line.

Mr. Davis stated that he will provide the Members with a foot candle that will show the lighting for the parking lot.

Member Candela moved on Case #92-07 to approve the final site plan subject to the changes discussed which include the gabled roof, additional sidewalks, movement of the handicapped sidewalks, and the roof vents; Member Fearn seconded, motion passed unanimously.

Case # 48-08 SMECO – Concept Plan Approval:

Applicant: SMECO
Location: 23365 Hollywood Road
Current Zoning: C-B

Ms. Adler reported that SMECO is looking to expand their regional office site on Hollywood Road. There will be a 12,670 s.f. office addition and a 21,170 s.f. warehouse addition. Please see the enclosed blue binder of information SMECO submitted for a complete overview of the proposed project.

Comments for discussion:

- Changing the zoning of this parcel to I-O – See the enclosed Town Council meeting minutes where it was discussed.
- What happened to all the pervious paving they had discussed at the earlier presentations?
- Would like to see a final landscape plan at a later date that addresses the buffer between the neighbors and SMECO.
- Is this the right type of architecture for the entrance to Leonardtown off of Hollywood Road? Do we want to see more neo-traditional design? More brick?

Action Needed Today: The applicant is requesting concept approval at this time. The Planning and Zoning Commission can approve, approve with conditions, deny, or table the decision.



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Mr. Joe Mitchell, introduced himself as representing SMECO on this case, this is the third time that SMECO has come before the Town boards to introduce their concept plan for the expansion of the Leonardtown facility. P. O. Box 1, Leonardtown, Maryland 20650

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Mr. Mitchell introduced Mr. Joe Slater, President and CEO. Mr. Slater provided a brief overview of the history of SMECO's Leonardtown facility and the need for their request.

Mr. Slater asked to recognize some of the elected Directors for SMECO, Bo Bailey, Francis Hewitt, Douglas Frederick and Judge Stone, Chairman of the Board for SMECO, along with some key staff members.

Mr. Mitchell introduced Mr. Jon Grimm of Loiederman and Soltesz and Mr. Weaver the architect.

SMECO representatives set up a power point presentation for the Members providing them with details and photos of the concept plan that includes some of the changes and recommendations from the previous presentations (hard copy of presentation was also given to the Members) but this is still not a final concept.

Mr. Russell commented that this is an old building that we need to utilize to the best advantage and we are mandated by the State for a 15% overall reduction in energy use, so we have to demonstrate that the new technology works.

Councilmember Roberts stated that she had recently toured the Chesapeake Bay Foundation and was familiar with the LEED Certification and realized the challenges that SMECO faces with renovating this building to meet the mandates of Governor O'Malley and incorporate the design features that the Town would like to see.

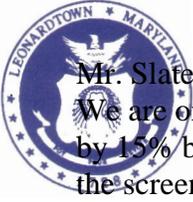
Member Candela remarked that one of his concerns is that this is an industrial building that sits out in an open area and would like to see some type of a design compromise to make the building look less stark.

Member Fearn commented that he would like to see some type of screening on the north side to soften the industrial look.

Mr. Mitchell stated that SMECO wants to demonstrate that this utility company is forward thinking and to utilize the existing office building into an energy reducing, highly efficient facility.

County Commissioner Mattingly remarked that the new elementary school being built in Wildewood is a gold certified building. The same features will be used throughout new schools being built as mandated by the State and is the construction design concept for the future.

Chairperson Moulds stated that landscaping would help soften the industrial look and it would be an advantage to the Town to have a "green" building that could be toured and used as an attractive feature for the Town.



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Mr. Slater noted that we have an opportunity to show how to build to harvest savings and energy. We are on a mandate from the State of Maryland to have all of our customers reduce energy use by 15% by 2015 and what better way to lead than by example. We will go the extra mile to do the screening across Rt. 245 to try and mitigate the exposure. Also, our walk-in customers have gone down, the majority of folks are accessing/paying and communicating on their accounts with us through the internet, the front office traffic has been greatly reduced. The point of this is that the allocation of the building towards operations and construction has been tilted to that extent.

Member Candela commented that there is a lot of residential development going on in that area.

Member Mattingly commented that he would like to see a wider buffer and more trees to screen the road traffic lights from the surrounding neighborhood homes.

Member Mattingly moved on Case #48-08 to approve the concept plan to include additional landscape screening to soften the industrial look, larger buffer depth and more trees to screen both light and noise, architectural changes to soften the stark industrial look and buffering/screening on the north side; Member Earhart seconded, no further discussion, motion passed unanimously.

Monthly In-House Permits - No Questions

Town Council Minutes – No Questions

Member Candela moved to adjourn the meeting at 6:00 p.m., seconded by Member Mattingly, 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

Glen Mattingly, Member