



Commissioners of Leonardtown

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LASCHELLE E. McKAY
Town Administrator

Commissioners of Leonardtown Leonardtown Planning and Zoning Commission Meeting

November 15, 2010 ~ 4:00 p.m.

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

Absent: Heather Earhart, Member
Glen Mattingly, Member

Also in attendance were Town staff members: Laschelle McKay, Town Administrator; DeAnn Adler, Plans Reviewer; and Teri Dimsey, Recording Secretary. In addition; Bill & Carol Moody, John Jordan, Dean Beck, Bob Combs, Susan Wolfe and Bill Higgs attended the meeting. A complete list is available on file at the Leonardtown Town Office.

Vice-Chair Fearn called the meeting to order at 4:00 p.m. Chairman Moulds joined the meeting at 4:05 pm, meeting already in progress. Vice-Chair Fearn continued to conduct meeting.

Alternate Collier moved to close the regular meeting and open the public hearing, seconded by Member Candela, motion passed unanimously.

PUBLIC HEARING ON CASE #83-10 41685 & 41695 COURTHOUSE DRIVE – Tax Map 133, Parcel 367, Lots 1 & 2 – Request to rezone from Commercial Office to Residential Single Family.

Applicant: Beck & Beck, LLC

Ms. Adler introduced the project, stating that in May, 2006 this parcel received final site plan approval to construct two (2) three story buildings with a total of 33,000 square feet of office space along with 97 parking spaces on 2.1 acres. This approval was set to expire in 2008 and at that time Mr. Beck came back to the Planning and Zoning Commission and received re-approval for this project (Courthouse Square). In November 2008, Mr. Beck again came before the P & Z

Board to request approval for some minor site plan changes and final plat approval. These changes were approved.

At this time Mr. Beck is requesting a zoning change for this property, from Commercial Office to Residential Single Family, in order to subdivide this parcel into six (6) single family lots as shown on the enclosed site plan. Each lot meets or exceeds the minimum lot width of 80 feet and the minimum lot depth of 100 feet.

Lot 3 of this project (0.31 ac.) is not a part of this rezoning request. It is already zoned Residential Single Family, although it will require a boundary line adjustment approval from this Board if the zoning is changed on Lots 1 & 2.

The public hearing for this request is being held today. The property was posted and the public hearing was advertised in the local newspaper and certified letters mailed to the surrounding neighbors, as required by Town Code.

Mr. Beck spoke next, stating his basis for the rezoning request, which was in his opinion that a mistake was made in the zoning of this property as Commercial Office, due to the fact that the surrounding property in the area is zoned single family and that across the street there are multi-family homes. While an argument for a multi-family zoning could be made, he feels that a residential single family zoning would be more compatible with the surrounding neighborhood, especially with the historic Tudor Hall directly above this property, and also because the EDU requirement would be less.

Member Fearn asked for clarification on how Tudor Hall would be affected by either the office buildings or the single family homes. Mr. Beck stated that there was concern that the office buildings would block the view of Tudor Hall from Courthouse Drive and that the buildings were designed so that they would not do that, and that the Historical Society had given their blessing on the design. With the single family homes there would even be less of an impact. Member Fearn also asked where the right of way would be for lots 4, 5, and 6. Mr. Beck responded that they would be looking at extending the 35' right-of-way off of Calvert Street for lots 5 and 6 and a private driveway off of Courthouse Drive, at the edge of lot 3, would service lot 4.

Ms. Moulds asked when and why was this property was zoned commercial office in the first place? Ms. McKay responded that the staff had researched the history of the zoning on this property and even as far back as the eighties this area was zoned commercial office, probably because of its proximity to the courthouse and the other commercial office uses on Courthouse Drive.

Member Candela stated that it was obvious that Mr. Beck thought this property was zoned properly when he was hoping to develop this into an office complex. Now all of a sudden Mr. Beck thinks it was improperly zoned when he wants to develop single family lots, and Member Candela stated that he has a problem with that.

Mr. Beck responded that he had to use one of the two reasons listed in Article 66-B for changing the zoning of a property, either a mistake in the zoning or a change in the neighborhood, and he feels that a mistake in the zoning makes the best case for this change.

Member Fearn asked about the steep slopes where Mr. Beck is proposing the 35' right-of-way. Mr. Beck stated that he would address that when he comes back for site plan approval, but that the right-of-way would probably have to encroach on lots 5 and 6 to find a flat enough piece of land to fit the driveway on.

Susan Wolfe asked several questions regarding the height of the proposed houses and how they affect the view of Tudor Hall. Mr. Beck answered them. Mr. John Jordan spoke, asking about the time frame for building these homes. Mr. Beck responded that he currently didn't have a time frame and that it would depend on how quickly the lots sold. Carol Moody, a nearby resident, asked several questions regarding placement of the house on lots 1 & 2. Bill Moody asked if the existing contours would remain. Mr. Beck responded that the contours would have to be graded to accommodate the new construction. Susan Wolfe requested that Library Place remain a one-way street and it was clarified that it is Calvert Street, not Calvert Road.

Member Fearn made a motion to close the public hearing, the motion was seconded by Alternate Collier, motion passed unanimously. A motion was made by Alternate Collier to re-open the regular meeting and seconded by Member Candela. Motion passed unanimously.

Member Fearn stated that he did not feel that a mistake in zoning was made and that the property was zoned appropriately given the proximity to the courthouse and other offices nearby. Alternate Collier stated that he felt that there was no real timeline for when a mistake in zoning could be declared and that he felt a change in zoning was appropriate for this site considering it was surrounded by residential and the historic Tudor Hall house. Chairman Moulds stated that she agreed and also felt that residential would be better on that site because of its proximity to Tudor Hall.

Member Candela made a motion that the Planning and Zoning Commission make a favorable recommendation for the requested zoning change, to be forwarded to the Town Council. The basis for the zoning change is a mistake in zoning. The motion was seconded by Chairman Moulds, no further discussion. Motion passed unanimously.

The meeting minutes for the October 18, 2010 meeting were presented for approval.

Member Moulds moved to approve the October 18, 2010 minutes; seconded by Member Candela, no further discussion, motion passed unanimously.

Town Administrator Report – Laschelle McKay

Ms. McKay reported that during the November 8, 2010 Town Council meeting, an ordinance (#148) was introduced for the new stormwater management regulations.

An audit report was presented by a representative of Murray and Wamsley

A contract was awarded for utilities maintenance and repair service.

NEW BUSINESS:

Case # 72-10 – 25550 Point Lookout Road – First Saints Community Church - Request for concept plan approval for a parking lot addition.

Applicant: St. Paul’s United Methodist Church
Engineer: Mehaffey & Assoc.
Zoning: R-SF

Ms. Adler introduced the project, stating that the church would like to add a new parking area with 41 spaces. If concept approval is given, the plans would then be forwarded to the appropriate permitting agencies for review and approval and then would come back before this board for final site plan approval.

Alternate Collier made a motion to approve the concept plan request, subject to the requirements of the Town’s parking code. Motion was seconded by Member Candela, no further discussion. Motion passed unanimously (Chairman Moulds abstaining because she was a member of the church).

Review of Monthly In-House Permits – No comments

Review of Approved Town Council Meeting Minutes – No comments

Alternate Collier entertained a motion to close the meeting at 4:47 p.m. Member Candela seconded, no further discussion, motion passed unanimously.

Respectfully Submitted:

DeAnn Adler

Approved:

Jean Moulds, Chairperson

Thomas Collier, Alternate

Frank Fearn, Vice Chair

Absent

Glen Mattingly, Member

Jack Candela, Member

Absent

Heather Earhart, Member