



Commissioners of Leonardtown

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LASCHELLE E. MCKAY
Town Administrator

Commissioners of Leonardtown
Leonardtown Planning and Zoning Commission Meeting
May 16, 2011 ~ 4:00 p.m.

Attendees: Jean Moulds, Chairperson
Jack Candela, Member
Hayden Hammett, Member
Heather Earhart, Member
Glen Mattingly, Member
Tom Collier, Alternate

Also in attendance were Town staff members: Laschelle McKay, Town Administrator; Jackie Post, Fiscal Clerk; and DeAnn Adler, Plans Reviewer. In addition Wayne Hunt from LSR and Jay Friess from the Enterprise Newspaper attended the meeting. A complete list is available on file at the Leonardtown Town Office.

Chairman Moulds called the meeting to order at 4:00 p.m.

The minutes for the January 18, 2011 and April 18, 2011 meetings were presented for approval.

Member Mattingly moved to approve the January 18, 2011 minutes; seconded by Member Earhart, no further discussion, motion passed unanimously. Member Hammett moved to approve the April 18, 2011 minutes; seconded by Member Candela, motion passed unanimously.

Town Administrator's Report – Laschelle McKay

At our May meeting we forwarded the Planning and Zoning fee revisions to this board which we will be discussing later in the meeting.

We extended the Woodlawn Lawn Care contract for one more year.

COUNCIL: WALTER WISE, *Vice President* DANIEL W. BURRIS
THOMAS R. COLLIER ROGER L. MATTINGLY LESLIE E. ROBERTS

We had received a consultant's recommendation regarding the additional boat slips down at the wharf, we had a small grant for that work. It was decided to hold off on the construction of more slips until we actually see what's going to go down there. We do have quite a few tie ups down there already.

We also passed a public parks rules, regulations, and fee schedule. We now will be charging a small fee to offset our expenses when people want to reserve the park or the square for an event or wedding.

We also passed ordinances 149, 150, 151 and 152 which this board held a public hearing on last month. These were for the zoning text amendments, sign regulations and changes to the Leonardtown Code. Everything that you all forwarded passed, including the recommendation to keep the R-MF density at 10 du per ac. instead of 8, and also an additional change to the commercial office zoning, allowing a small amount of retail to be an approved use without having to go through the special exception process.

NEW BUSINESS:

Case # Case #6-05 A – Four Rivers Condominium – 41680 Miss Bessie Drive - Confirmatory Plat Approval Request

Ms. Adler introduced the project, saying that this confirmatory plat was created to change the limited common area on the basement floor of the building to general common area. Nothing else on the plat drawing has changed. This is being brought before you today because this change will allow the tenants to share equally in the use of the basement for storage. The word "limited" was a problem for the mortgage company for the building. Mr. Wayne Hunt is here today to answer any questions you all may have.

Mr. Hunt reiterated that the basement was intended to be used by all the tenants equally for storage. The way the plat is written now, with the word limited instead of general, does not state that clearly. Changing the plat will fix this problem.

Member Hammett made a motion to approve the confirmatory plat # 6-05A. Motion was seconded by Member Mattingly, no further discussion. Motion passed unanimously.

Proposed Revisions to the Planning and Zoning Fees:

Ms. Adler stated that the Town is looking to raise its planning and zoning fees for the first time in probably 15 years. What we are looking for today from you all is a recommendation to forward to the Town Council. You all have received copies of these new proposed fees, along with a worksheet I prepared that compares our existing fees to that of the surrounding counties and municipalities. Also you have an e-mail from Dan Burris regarding some of these fees, along with our responses to his queries. We feel that the Town's proposed fees are still on the relatively low end compared to what the other counties and municipalities are charging.

Ms. McKay added that not only are our fees low, but our process of approving projects is much more streamlined than the county. We hear all the time from builders and developers how nice that is and how much they enjoy working with us.

Member Mattingly asked what exactly the “plus expenses” were on the proposed fee sheet. Ms. McKay answered that some places call it an advertising fee. It covers the costs of putting a notice of public hearing in the newspaper, sometimes twice, and sending out certified letters to the surrounding neighbors, notifying them of a public hearing. Those fees have always been passed on. Ms. Adler added that if you look on the second page of the proposed fees sheet, there is a note explaining exactly what those fees are.

Member Candela commented that the rezoning fees seem to vary widely between the different municipalities and counties, anywhere from \$235 to \$3,000. Ms. McKay answered that a lot of places try to discourage rezoning cases by making the fees high, and that it is a lot of work to bring a rezoning case through the process.

Member Candela asked why the home occupation fee actually went down in price. Ms. Adler answered that the fee had always seemed high for someone who was just opening a small side business out of their house, compared to what we were charging for a regular business U & O, and we are trying not to place a hardship, but rather encourage, small business people.

Member Hammett complimented staff on their work compiling the information for comparison and wanted to remind everyone that as a policy we are trying to drive growth into the development district and it would seem like good will to keep the fees the same as they are.

RECOMMENDATIONS FOR TOWN COUNCIL:

It was the general recommendation of the Planning and Zoning Board not to add the provision to add the note about Town fee’s automatically increasing a percentage every 3 years. Instead have a provision written in that would require staff to *review* fees at a minimum of every 5 years.

Regarding the CAC planting bonds, recommendation by the board was to follow the State requirements only, which would require a bond for mitigation as a result of a violation if that mitigation exceeds 1,000 square feet or involves expenses exceeding \$1,000. In the cases of mitigation because of a variance – if the mitigation requires a “major” buffer plan, defined as a project with more than 5,000 s.f. of mitigation, then a bond would also be required. A bond would not be required for a “minor” buffer plan. We would also continue with the CAC planting agreements that we already have in place.

It was recommended to charge customers a fee to cover the *actual* costs of printing a hard copy of a Town document.

It was recommended to keep the return check fee at the proposed rate of \$25.

It was recommended *not* to charge a parks and recreation impact fee. We have been more successful collecting money from developers through voluntary cooperation.

Abatement of building permit fees for non-profit's – not recommended. The planning and zoning board recommended we keep it the way we have it now. What happens if a big church decides to build in Town? We would then lose those building permit fees. A non-profit can individually request an exemption from paying fees through the Town Council, as has been done in the past.

Member Mattingly made a motion to forward a recommendation of approval of the proposed revisions to the planning and zoning fees to the Town Council, with the recommendations listed above. Member Candela seconded the motion. No further discussion, motion passed unanimously.

Review of Monthly In-House Permits – Member Candela asked what a “Red Box” installation was. Ms. Adler explained that it was a video vending machine that would be placed outside the CVS pharmacy.

Review of Approved Town Council Meeting Minutes – No comments

Member Candela entertained a motion to close the meeting at 5:00 p.m. Member Hammett seconded, no further discussion, motion passed unanimously.

Respectfully Submitted:

DeAnn Adler

Approved:

Jean Moulds, Chairperson

Jack Candela, Member

Hayden Hammett, Member

Glen Mattingly, Member

Thomas Collier, Alternate

Heather Earhart, Member