



# 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 23, 2014 ~ 4:00 p.m.*

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

Absent: Christy Sterling, Member

Also in attendance were Town staff members: Teri Dimsey, Recording Secretary, Jackie Post, Fiscal Clerk, DeAnn Adler, Town Planner, and Laschelle McKay, Town Administrator; also Mr. Billy Mehaffey from Mehaffey and Assoc., Farhad Saba from The Saba Group, Debbie and Mike Mummaugh from Paragon Properties and Dick Myers from The Baynet. A complete list of other attendees is available on file at the Leonardtown Town Office.

Chairperson Moulds called the meeting to order at 3:58 p.m. The minutes for the April 21, 2014, meeting was presented for approval.

**Member Schultz moved to approve the April 21, 2014 minutes as submitted; seconded by Member Candela, no further discussion; motion passed unanimously.**

**Town Administrator's Report:**

Ms. McKay discussed items that were on the Town Council agenda for the preceding month (see the Town Council meeting minutes for more detail).

**New Business:**

**Case # 42-14 – The Hamptons at Leonardtown – Tax Map 40, Block 6, Parcel 254 – Request for concept plan favorable recommendation to Town Council and recommendation to the Leonardtown Board of Appeals for a density bonus.**

Applicant: The Saba Group, LLC  
Engineer: Mehaffey & Assoc., P.C.

Surveyor: LSR, Inc.  
Site Area: 12.54 ac.  
Zoned: R-MF

Ms. Adler introduced the project, stating that the P & Z Board received drawings for a new project that is located on the property adjacent to Foxwell Condominiums, between Route 5 to the north, Foxwell to the south, and the church cemetery to the west. This property was recently rezoned from PUD to Residential-Multi-Family. For concept plan approval today the applicant is presenting two scenarios. One is *without* the density bonus and one is *with* a density bonus (allowed by special exception if certain criteria are met) that the applicant will request from the Leonardtown Board of Appeals at a future hearing. The plan *without* the density bonus is the one needing a recommendation today (either for or against) – it is two, 3 story buildings with a total of 119 rental apartments, mostly two bedroom and some 3 bedroom units. The buildings will have elevators to encourage rental by seniors and an on-site apartment manager. Elevations and floor plans were enclosed in your packets. For parking, 238 parking spaces are required and would be provided.

The density bonus plan will be the same two building footprints, but with 4 stories in each, instead of 3, and 71 apartments in each, for a total of 142 units. The parking required would be 282 spaces and 299 spaces are provided.

Two entrances to the project are proposed, one would be off of Route 5, where a curb cut already exists, across from the Academy Hills entrance. A second access point off of Fenwick Street is also proposed, this access will necessitate cutting across property owned by the Foxwell Condominium Homeowners Association. The details of that cut-thru are still to be worked out.

Regarding the plan with the density bonus - the plan will need approval from the Board of Appeals. To achieve a higher density, the applicant is using our recently adopted Ordinance #160, Chapter 155-17, regarding special exception uses for a density bonus. This density bonus allows an increase in the density from 10 multi-family dwellings per acre to 12 du's per acre and/or from 3 stories to four stories in height, provided the developer meets the following requirements:

- Provide additional recreation area or open space for use by all Town residents, which the applicant has provided with the 0.8 ac. park on the west side of the property and
- Provide common buildings for use by all Town residents, which the applicant has provided with the clubhouse, which will be open for use by town residents.

In addition the project has complied with Chapter 155-23 of the General Criteria section of Ordinance 160 which states that:

*Q. Any project or development consisting of 50 or more dwelling units, such as large-scale multiple-family dwellings, shall provide recreational space for the private use of its residents. Recreational space includes, but is not limited to, the following:*

- (1) Indoor space, such as:  
(a) A multipurpose room;  
(b) A fitness room;

- (c) A common community room, which shall contain a kitchen and a bathroom;
- (2) Outdoor space, such as:
  - (a) A swimming pool complex;
  - (b) A playground;
  - (c) A tennis or basketball court; or
- (3) Other indoor or outdoor recreational space, with consideration given to the average age of the majority of residents anticipated to reside in the project or development.

Mr. Farhad Saba, owner of the Saba Group, gave a brief presentation of the project. He stated that they have lots of previous experience doing these types of projects very successfully. What they are proposing for this project is a very nice lobby entrance with two elevators per building, which will be desirable for seniors. That 4<sup>th</sup> story on each of the buildings will allow them to add those and also a nice clubhouse and pool and an on-site apartment manager.

Ms. Moulds asked if this was an adult's only complex. Mr. Saba answered no it was not, it would be open to families also. Mr Saba stated that there would be at least 22 three bedroom units and the rest would be two bedrooms, none would be efficiencies.

Mr. Candela asked if Mr. Saba had approval yet to access through the Foxwell Property onto Fenwick Street. Mr. Saba stated that they didn't at this time, but would be meeting with the Foxwell HOA soon and were hoping they would be able to work something out. Mr. Saba would offer the use of the Hampton's swimming pool to the Foxwell homeowners in exchange for the access through their project – the details to be worked out.

Ms. McKay stated that the town would actually be the one to pursue this access onto Fenwick Street, which the Town feels is very important to connect this project to the Town, both for foot traffic and to keep road traffic off of Route 5. The road would cross through Critical Areas and a Forest Conservation Easement. The road portion from the intersection by the clubhouse to Fenwick Street would be a town-owned street.

Ms. Earhart stated that she was very concerned about the amount of additional traffic that this project would generate at the intersection of Route 5. Academy Hills residents have a hard enough time exiting onto Route 5 as it is. Mr. Candela seconded that concern, stating that the addition of the additional story on each building means even more traffic will be generated from all those extra units. He was also concerned about the additional traffic on Fenwick Street too.

Ms. McKay stated that the Town and Mr. Saba would need to work through those hurdles and that connection onto Fenwick Street, to alleviate traffic on Route 5, would be critical to this project. The entrance to the property on Route 5 was established years ago by State Highway. It is where the curb cut in the road exists already, which is across from the entrance to Academy Hills. The property owners are allowed that curb cut by right and we cannot deny them entrance to their property. That entrance and the traffic issues associated with it, falls under State Highway's authority, not ours. What this P & Z board needs to establish is - are the developers meeting the criteria established by the Town Code to allow proper development to occur on this piece of property.

Ms. McKay also stated that the initial meeting with the Critical Areas representative was very positive and she didn't see any big issues with getting Critical Area's approval. Also a traffic study will be required of the developer. State Highway will have the final authority on whether that entrance is a right turn in and out only. It will go to State Highway as one of the reviewing agencies in the process.

Ms. Moulds asked if they could make their approval of the concept plan contingent on Mr. Saba getting that Fenwick Street connection. Ms. McKay said that no, the board really didn't have that authority, because they have the right to build on that property as long as they meet the zoning criteria.

Ms. Moulds asked Mr. Saba if the connection onto Fenwick Street would be a deal-breaker for him. He stated that in a worse-case scenario, if they could not get the connection permission from the HOA, there are other avenues the Town could pursue to take possession of that land.

Ms. Moulds stated that we certainly need apartment buildings here in town, since everything else is condos, especially for seniors and for smart growth. Ms. McKay added that in order to keep our downtown alive and vibrant we need more people in town who will eat at the local restaurants and shop at the local stores. We need the nighttime activity and especially when they can walk into the downtown from their homes. The walkability is important and the bigger picture benefit is important to recognize.

Ms. Earhart asked Mr. Saba if it was possible for him to talk to the Academy Hills Homeowners Association. Mr. Saba said that he would be more than happy to. Mr. Saba also stated that they will be submitting a traffic study that will identify any traffic issues and they will then have to find solutions to those issues. Ms. Earhart stated that she thought the project would be good for Leonardtown.

Mr. Candela stated that his main concern is the increase in traffic and that adding that 4<sup>th</sup> floor of apartments will exacerbate the traffic problem. Ms. Shultz stated that she also thought the apartments would be good for Leonardtown and they are nice looking and they will help support the local businesses.

**Member Schultz made a recommendation to the Town Council for approval of the concept plan for the 3 story building plan as presented. The motion was seconded by Member Candela. No further comments. Motion passed unanimously.**

**Member Earhart made a recommendation to forward this plan to the Leonardtown Board of Appeals to hear the request for the density bonus and the addition of a fourth floor to each building. The motion was seconded by Member Schultz. No further comments. Motion passed unanimously.**

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

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

**Member Moulds entertained a motion to close the meeting. Member Candela made the motion, and it was seconded by Member Schultz, no further discussion, motion passed unanimously.  
Meeting ended at 4:45 pm.**

Respectfully Submitted:

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DeAnn Adler

**Approved:**

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Jean Moulds, Chairperson

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Jack Candela, Member

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Christy Sterling, Member

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Laura Schultz, Member

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Thomas Collier, Alternate

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Heather Earhart, Member