



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
September 21, 2015 ~ 4:00 p.m.

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

Also in attendance were Mayor Dan Burris, Laschelle McKay, Town Administrator, Town Council members Leslie Roberts, Roger Mattingly and Jay Mattingly, and Town staff members Teri Dimsey, Recording Secretary, and Cindy Williams, Planning & Zoning Assistant.

Brian Norris of Cherry Cove Development, James Erdman and Eric Samiec of Ben Dyer Associates Inc., Mike Mummaugh of Paragon Properties, Farhad Saba, Juan Alvarez and Debbie Mummaugh of The Saba Group LLC, John O'Connell, III of Potomac LLC, Butch Bailey of VARC, LLC, Pat Mudd of Mudd Engineering, Raynor Blair, Maria Icaza of Dunkin Donuts, Bernie Beavan, and Barry Vukmer of Chesapeake Trails Surveying were also present. A complete list of attendees is on file in the Town Office.

Chairperson Moulds called the meeting to order at 4:00 p.m. The minutes of the August 17, 2015 meeting were presented for approval.

Member Hollander moved to approve the August 17, 2015 minutes as submitted; seconded by Member Schultz. There being no further discussion, the motion passed unanimously.

Town Administrator's Report:

Ms. McKay reported on several items the Town Council addressed in its September 14, 2015 meeting.

New Business:

**Case #40-02A Lots 500-57A & 500-57B, Phase Six, Singletree, 41590 Susie Court
Boundary line adjustment request**

Owners: Bernard & Elizabeth Beavan, Trustees (Lot 500-57A)
 Joseph & Jessica Beavan (Lot 500-57B)
Adj. Land Area: 1.08 acres +/-
Zoning: PUD

Ms. McKay began by providing an overview of the project. Bernard and Elizabeth Beavan are the current owners of Lot 500-57A, which does not contain any improvements. They conveyed Lot 500-57B to Joseph and Jessica Beavan in January 2001, which contains a single family home. The owners of both parcels are requesting a boundary line adjustment in order to combine both lots and create Adjusted Parcel 500-57A, which will contain 1.08 acres +/- . A similar adjustment was made to the adjacent parcel.

Member Candela made a motion approve Case #40-02A - the Boundary Line Adjustment Plat to combine Lots 500-57A and 500-57B and create one parcel, which was seconded by Member Earhart. There being no further discussion, the motion passed unanimously.

Old Business:

**Case #42-14 The Hamptons at Leonardtown, Hampton Boulevard –
Request for recommendation to Town Council for final site plan approval**

Applicant: The Saba Group, LLC
Engineer: Mehaffey & Associates, P.C.
Site Area: 12.54 acres
Zoning: R-MF

Ms. McKay provided an overview, stating that the project was reviewed by the Town Council at their meeting on June 16, 2014 and received EDU eligibility. On June 23, 2014, the Planning & Zoning Commission made a recommendation that Town Council approve the concept plan for the three-story apartment buildings, and also a recommendation to forward the request for a density bonus and the addition of a fourth story to each building to the Leonardtown Board of Appeals.

The Town Council held a public hearing on July 14, 2014. At that time, the applicant received concept approval for a site plan depicting two three-story apartment buildings with a total of 119 two and three bedroom units. The Council also recommended that the Board of Appeals approve the applicant's request to add a fourth story to both buildings in order to condense the units and conserve open space and preserve green space. This motion passed by a 4 to 1 vote.

The Board of Appeals met on September 23, 2014 and approved the fourth story with conditions, one of which was that there be traffic access to Fenwick Street. The applicant was unable to secure that access; and therefore, the buildings will remain three stories.

The project has been reviewed and approved by State Highway, the local Fire Department, Fire Marshal, Department of Public Works, Soil Conservation District, Department of Natural Resources and the Town's utility department.

The street leading into the complex will be named Hampton Boulevard. The clubhouse will also serve as the leasing office. There will be a total of 299 parking spaces, which exceeds the minimum requirement of 232 spaces.

The applicant is requesting recommendation to the Town Council regarding final site plan approval and then the project will be on the Town Council agenda in October. Mr. Saba is with us today to answer any questions.

Ms. McKay stated that what is being presented today is similar to what was presented at concept approval with only a few modifications now that the only entrance will be from Route 5.

Chairperson Moulds questioned whether there would be elevators in the buildings since they will only be three stories as originally planned. Mr. Saba said they have designed the buildings with elevators.

Member Schultz asked about sidewalks around the complex and if there will be a path leading to Fenwick Street. Mr. Saba responded that the buildings will have sidewalks around them and crosswalks to the clubhouse. There is no access to Fenwick Street planned at this time. We do not have the required elevation between Fenwick Street and the property.

Chairperson Moulds commented that people will create their own paths if one does not exist. Ms. McKay said there was an area on the original drawings that was showing an access. Mr. Saba said that was shown as part of the four story density bonus because they would have been required to provide areas that the entire Town could have used so they had shown an area with walkways and pathways. At this point we are not doing anything past the sewer line basically. We would have to cross that sewer line and there is a great deal of expense associated with doing that. These are sensitive areas as well. We have to deal with a lot of sensitive issues, and as a matter of interest, we are not impacting any of the sensitive areas.

Member Earhart expressed concern about the additional traffic at the entrance to Academy Hills and The Hamptons, and it was the understanding of the Academy Hills residents that there would be some access so pedestrians would have a way to access Fenwick Street if they could cut through The Hamptons. Some residents were looking forward to being able to get into Town a little easier than walking in either direction on Route 5.

Mr. Saba stated that Academy Hills residents would have to cross Route 5 on foot in order to get to The Hamptons and there are no sidewalks between Academy Hills and this property. He said that is a State Highway matter and he is not prepared to address that issue.

Ms. McKay said that one of the items that was discussed with Academy Hills homeowners was that the Town is going to submit a letter to State Highway to see if there is a possibility of adding sidewalks along Route 5 from Academy Hills to the intersection, where it would be safer for pedestrians to cross at the traffic signal.

Ms. McKay reiterated that this project goes back to the Council for final approval and that the Council members had expressed a desire to have at least a pedestrian walkway to Fenwick Street.

Mr. Saba said that based on the approvals from the Planning and Zoning Commission and the Town Council, they have followed everything to the letter of the law. Everything that was happening on the other side of the sewer line was being considered in exchange for the bonus density to add a fourth floor. He said they listened to the Planning and Zoning Board and to the Board of Appeals when they expressed an interest in having elevators, and they went to great lengths and expense to provide elevators in the buildings. There comes a point where we provide what we can but it becomes an economic issue.

Member Schultz said the reason she asked about the pedestrian access was because when she was running through the minutes of the Board of Appeals meeting, it said “unfortunately, we were not able to reach an agreement with them [Foxwell Condominiums] so our plan is still to make a connection to Fenwick Street. It will just be a pedestrian walkway now and not a roadway.”

Mr. Saba responded that what was being said at that meeting was him asking the Board to approve the fourth floor and the density bonus, and if we were not able to agree on that point then we really were not going to be able to get approval from Foxwell Condominiums to get the connection. We asked if we could get this connection – and in fact, one of the members came up with a motion to approve the fourth story and the density bonus as long as we would provide any kind of connection, even a footpath. That issue came up and it was shut down so I think that is what you are referring to.

Ms. McKay stated that she thought there was only one area where it would be possible to cross the sewer line if there was any hope of creating an access. Mr. Saba said that to build a walking path to Fenwick Street, they have to traverse the sewer line. We actually have guardrails for cars in that location so the guardrails will have to be adjusted at that point anyway. We tried to walk that portion of the property with the Department of Natural Resources and we were unable to get through that way. We had to drive around to the entrance on Route 5 so they could inspect our property. I am not suggesting that at some point in the future pedestrian access will not be a possibility. I am not suggesting that at all.

Member Schultz said that once they start renting units, residents will want that access. Mr. Saba said that if and when the development is very successful and people are asking for that, he is not ruling it out. He said he would like to be able to build it first and get to that point.

Chairperson Moulds stated that it does not seem likely that State Highway would ever have plans to install sidewalks on the Bypass up to the intersection. Ms. McKay said the Town can make the request, but it has taken awhile to get the sidewalks on Route 245. It was the desire of the Council to have access into Town from The Hamptons to provide walkability.

Ms. McKay said there is a stream in the lower corner of the property. The sewer line runs through there and you can actually see the sewer line so it is a very difficult area to try and get something through.

Chairperson Moulds responded that she understand it would be a major undertaking to put steps or a bridge or whatever he had to do and she can understand them not doing anything on the other side of the sewer line.

Mr. Saba said that if there was going to be a road connection it would have been very easy to put sidewalks, and that in fact, they had originally shown sidewalks on both sides of the connection. At this juncture it is extremely difficult to undertake with environmental issues and everything else that is associated with those issues. The culvert by the sewer line is 20 to 30 feet wide. Fenwick Street goes over a body of water right at that location. The Foxwell Condominiums property and The Hamptons property meet right at the sewer line. In order to do a walking path we would have cross their property.

Mr. Saba said he did not know if the Town would want a lot of activity around that sewer line and that it is an easement that they have given to the Town.

Ms. McKay stated that it is in the critical area with the stream right there. You can see by the tree line that it is a very forested area also and for safety reasons she is not sure how you would cut a path going through there when there is no other activity in that area. The recreational facilities were shown there previously as part of the fourth story density bonus.

Mr. Saba said a portion of the sewer line is covered. The recreational facility was shown to cross where the sewer line is underground so we would have been able to safely traverse it and get to the other side.

Chairperson Moulds said she knows they are really limited in what they are able to do. Mr. Saba said he did his best. Chairperson Moulds said she just wanted to verify that there was not going to be an access to Town.

Member Earhart said she would like for the Academy Hills Homeowners Association to have an opportunity to meet with Mr. Saba and hopefully figure something out so they can be good neighbors. Mr. Saba said he actually called the HOA President and he was very, very pleased with their conversation. He said he thinks they were in agreement on the phone. Mr. Saba said his company wants to bring the best it possibly can to Leonardtown and they like to bring the best of anything they do everywhere.

Ms. McKay stated that Chairperson Moulds could open the meeting for public comment and Chairperson Moulds said she did not think they needed any more public comment. What is being presented today is what was approved in the concept plan.

Chairperson Moulds entertained a motion to recommend Case #42-14 The Hamptons for final site plan approval to the Town Council. Member Candela made the motion, which was seconded by Member Schultz. There being no further discussion, the motion passed by a vote of 4 to 0. Member Hollander abstained from voting due to a conflict of interest.

Case #61-14 Old Line Bank, 23152 Newtowne Neck Road – request for final site plan approval

Applicant: Cherry Cove Land Development Co., Inc.
Owner: Old Line Bank
Engineer: Ben Dyer Associates, Inc.
Architect: BCT Architects
Zoning: C-H

Ms. McKay provided an overview, stating that the concept plan to construct a 2,505 sq. ft. bank building on the parcel behind the Exxon/Dash-In convenience store was approved on October 20, 2014. Approval from all of the required agencies has been obtained.

James Erdman of Ben Dyer Associates addressed the Commission and provided a color rendering of the plan. Ms. McKay stated that the parking requirements have been met. Member Hollander inquired about the wetlands determination. Mr. Erdman said that work has been done and all of that area is south of this site and so this site will not be impacted at all.

Ms. McKay asked about the existing forest conservation easement, and if that has all been retained or if changes were required. Mr. Erdman said he believes an amendment was submitted. Ms. McKay said that would need to be finalized prior to issuance of the building permit.

Chairperson Moulds entertained a motion to approve the final site plan for Case #61-14 - Old Line Bank. Member Hollander made the motion, which was seconded by Member Earhart. There being no further discussion, the motion passed unanimously.

Case #6-15A Dunkin Donuts, 22841 Washington Street, Phase 1, Washington Street Retail Complex - request for final site plan approval

Applicant: 22845 Washington Street, LLC
Engineer: Mudd Engineering and VARC, LLC d/b/a Nokleby Surveying
Architect: J. Mayer Architects, LLC
Bldg. Size: 1,892 sq. ft.
Zoning: C-B

The concept plan for the entire site was approved on March 16, 2015. The property is being developed in three phases – two pad sites and renovations to the existing building. A separate 911 address for each of the three buildings has been assigned. The address of Dunkin Donuts will be 22841 Washington Street, the existing building will remain 22845 Washington Street, and the third pad site will be 22843 Washington Street.

Construction of Dunkin Donuts will be on the front pad site is the first phase. DPW is in its final stage of review of the stormwater management plan for the entire site and we expect approval very shortly. Fire Marshal and Health Department approval of the building have been obtained.

Ms. McKay introduced Raynor Blair, the property owner, who provided a color rendering of the exterior elevations. She noted that the architects have worked very hard to create a façade that will blend well with existing buildings in Town and that the existing building will be renovated to have a similar look as well.

Ms. McKay stated that the initial concept approval incorporated the entire site, including parking spaces, stormwater management, etc. The applicant is requesting final site plan approval for Dunkin Donuts at this time so they can move forward with construction. The project will come back for final site plan of the entire site.

Chairperson Moulds asked if bike racks have been incorporated as previously requested. Mr. Blair said he will add a bike rack.

Chairperson Moulds entertained a motion to approve the final site plan for Case #6-15A - Dunkin Donuts. Member Earhart made the motion, which was seconded by Member Candela. There being no further discussion, the motion passed unanimously.

Review of Monthly In-House Permits – no comments

Review of Approved Town Council Meeting Minutes – no comments

Chairperson Moulds entertained a motion to close the meeting. Member Candela made the motion; seconded by Member Earhart. There being no further discussion, the motion passed unanimously. The meeting ended at approximately 4:42 p.m.

Respectfully submitted:

Cindy Williams

Approved:

Jean Moulds, Chairperson

Heather Earhart, Member

Laura Schultz, Member

Jack Candela, Member

Christy Hollander, Member