

RESOLUTION

WHEREAS, on August 1, 1990, the Jackson Realty Corporation applied for Exploratory Plan approval for the development of a parcel of land containing approximately 67.64 acres of land, more or less, said parcel being zoned PUD 5.0 under the Leonardtown Zoning Ordinance. The property, which is located adjacent to Washington Street, or Route 245, and will be bisected by the Maryland Route 5, once constructed, is more specifically described in a deed recorded among the St. Mary's County Land Records at Liber M.R.B. 524, folio 079; The Property is hereinafter known as "Academy Crossing";

WHEREAS, after legal notice, the Leonardtown Planning and Zoning Commission on August 20, 1990, conducted a hearing on the Exploratory Plan;

WHEREAS, after legal notice, the Leonardtown Planning and Zoning Commission on September 17, 1990, continued the hearing on the Exploratory Plan;

WHEREAS, after legal notice, the Leonardtown Planning and Zoning Commission on October 15, 1990, continued the hearing on the Exploratory Plan;

WHEREAS, after legal notice, the Leonardtown Planning and Zoning Commission on November 14, 1990, held a work session on the Exploratory Plan;

WHEREAS, after legal notice, the Leonardtown Planning and Zoning Commission on November 19, 1990, continued the hearing on the Exploratory Plan;

WHEREAS, after deliberation, the Planning and Zoning Commission, by a unanimous vote, recommended on November 19, 1990, that the Exploratory Plan be approved by the Town Commissioners, subject to certain conditions;

WHEREAS, on December 10, 1990, the Town Commissioners, after legal notice, conducted a public hearing concerning the Exploratory Plan;

WHEREAS, on January 7, 1991, the Town Commissioners, after legal notice, held a work session to further discuss the Exploratory Plan;

WHEREAS, after legally sufficient notice, the Town Commissioners held a public meeting on January 14, 1991, concerning the Exploratory Plan;

WHEREAS, the Planning and Zoning staff and appropriate agencies have fully reviewed the Exploratory Plan and the Planning

and Zoning Staff has reported that the Exploratory Plan meets the standards and requirements set forth in the Zoning Ordinance for an Exploratory Application;

WHEREAS, the Town Commissioners have made the following findings of fact with respect to the Application:

1. The Exploratory Plan submission is in compliance with the existing Comprehensive Plan for Leonardtown, and with the new Comprehensive Plan which is in the final stages of being adopted by the Town Council, in that the Academy Crossing property is located within Leonardtown which is designated as a growth region in St. Mary's County. The Academy Crossing property is located in an area which has in place or has planned for roads, sewer, water, schools and other facilities and services required to support development, thereby minimizing additional public expenditures for infrastructure. As reflected in the Comprehensive Plan, Leonardtown is expected to experience a large influx of new residents in the next several years and the construction of 500 to 1,000 new living units in the 1990s. The Academy Crossing property and its neighboring development, the Academy Hills development, which surrounds the Academy Crossing property on two sides, will serve a large portion of the anticipated residential growth.

The Comprehensive Plan for the Town of Leonardtown envisions the construction of the Route 5 Bypass and provides that Route 5 will become a key area of development as businesses vie for the advantages of highway visibility needed in order to survive economic hardships. The Comprehensive Plan encourages the development of a strong economic base by encouraging new business to locate within the corporate limits of Leonardtown and the Plan encourages the diversification of the economic sector in the Town. The Land Use Plan set forth in the Comprehensive Plan recognizes the institutional uses made of the property and the Comprehensive Plan currently in the process of being adopted by the Town Commissioners designates for commercial use a portion of the subject property located on Route 245, which the developer has proposed for commercial use.

The Academy Crossing Property is a small portion of a larger area zoned P.U.D. 5 which also consists of the Academy Hills development. It will be bisected by the Route 5 Bypass, once constructed. This makes the Academy Crossing property uniquely situated to fulfill the Comprehensive Plan's dual goals of controlled residential and commercial growth within Leonardtown. The Academy Crossing property is currently the site of several large existing institutional type buildings which are compatible with the commercial/institutional uses proposed by the developer. These buildings are located on that parcel which the developer has proposed for commercial uses. The site has sat vacant for several years and currently is not being efficiently utilized, and therefore the community has not received the economic benefit

associated with the development of the property.

The Exploratory Plan with its mix of commercial, open space and residential use is in harmony with the Comprehensive Plan and the Leonardtown Zoning Ordinance.

2. The Leonardtown Zoning Ordinance provides for a two-step review process, this approval being the first stage of the process. In the second step, or the Detail Plan stage, the Leonardtown Planning Commission reviews detailed, technical engineering plans of the development. During this second phase, which entails detailed site plan review, the Leonardtown Planning Commission will be able to ensure that the development complies with the technical requirements of the Zoning Ordinance and that no discordance will result with existing uses.

3. The Exploratory Plan application has, since its original submission in August, 1990, been reviewed by the Planning and Zoning staff and appropriate agencies. It is the recommendation of the Planning and Zoning Staff, as per the Staff Reports dated August 16, 1990 and September 13, 1990, that the Exploratory Plan be approved subject to certain conditions. All technical requirements of the staff and reviewing agencies have been addressed. In addition, all recommendations of the Planning and Zoning Commission have been fully considered by the Town Commissioners.

4. The Exploratory Plan has sufficient open space as required by the Leonardtown Zoning Ordinance. During the Detail Plan Stage the developer will be required to provide detailed plans showing the lines of subdivision, indicating areas to be dedicated, areas to be retained in common ownership by the residents of the P.U.D. and the proposed improvements of common and/or public areas which showing the specific areas of open space, which are subject to the approval of the Planning Commission.;

5. Section 7-1 of the Leonardtown Zoning Ordinance provides that the intent of a P.U.D. district is to permit flexibility for a planning unit development which among other things accomplishes a more desirable environment than would be possible through strict application of minimum requirements of the Ordinance and which provides for an efficient use of land, resulting in smaller networks of utilities and streets thereby lowering the costs of improving and maintaining infrastructure, including roads and utilities. The Zoning Ordinance also provides that the Town Commissioners shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of the ordinance. The Academy Crossing property is surrounded on two sides by the Academy Hills property. The Academy Hills and Academy Crossing project are part of a larger pre-defined, geographically unified tract designated on the Leonardtown Zoning Maps as an integrated PUD 5. The Academy Hills project is planned to contain

400 residential units, which are in addition to the 91 residential units planned for the Academy Crossing project. The Academy Hills project and the Academy Crossing have been considered by the Town Commissioners at approximately the same time and both projects have been presented to this board by the same engineers who have engineered the two projects so that such things as road systems and utilities are fully integrated. We have legislatively determined that when considering uses suitable for the Academy Crossing project it is in the best interests of the health, safety and welfare of the residents of Leonardtown to also consider the uses proposed in the Academy Hills project since both projects are part of a larger area designated as a P.U.D. and since both projects are geographically integrated. By so doing we are able to accomplish planning on a community or neighborhood level rather than in a piece-meal project fashion. We are thereby better able to properly anticipate and provide for the present and future needs of the public living in and surrounding the planned community.

The 25.65 acre commercial site proposed for the Academy Crossing project is centrally located so as to be accessible for all residential areas in both the Academy Crossing and Academy Hills projects. Existing commercial uses in the Town of Leonardtown are not easily accessible by pedestrians of the P.U.D.s due to distance and intervening roads and therefore are not within a reasonable distance of the Academy Crossing property. Due to the large number of individuals who will be living in both the Academy Hills and Academy Crossing developments we find that the commercial use of the 25.65 acre tract are gauged primarily for use by the residents of the P.U.D.s and that the proposed uses are of reasonable size. We do not find that the 1.81 acre parcel of land, located south of Route 5, which the applicant has proposed as a commercial/institutional use is gauged primarily for the residents of the P.U.D.s since the parcel is not easily accessible to the residents of Academy Hills and Academy Crossing.

Academy Crossing is served by a network of roads which allows for accessibility to commercial areas to the extent that they may be utilized by individuals outside of the immediate P.U.D. The location of commercial uses within the property, which is within the Town corporate limits, ensures the continued economic viability of the Town. There are several commercial uses and institutional uses currently located on Route 245 and the surrounding areas. The use of the 25.65 acre tract, which is also located on Route 245, for commercial uses is therefore compatible with existing uses. So as to ensure compatibility with surrounding uses, we have decided that all businesses intended for occupancy on the three pads fronting on Route 245 be reviewed by the Leonardtown Planning and Zoning Commission which will then issue a recommendation to the Leonardtown Commissioners who will make the final decision to ensure compatibility with the surrounding neighborhood.

6. That for the reasons stated above, we find that the

application for the proposed development complies with and furthers the purposes of the Leonardtown Zoning Ordinance and Comprehensive Plan and provides for the health, safety, convenience and amenity of the residents and workers in the Academy Crossing property and the neighboring area and that the uses proposed are compatible with and will not be detrimental to the use or development of adjacent properties or the general neighborhood.

NOW, THEREFORE BE IT RESOLVED AND ORDAINED by the Commissioners for the Town of Leonardtown as of this 14th day of January, 1991:

That the Exploratory Plan for the Academy Crossing property is hereby unanimously APPROVED subject to the following conditions:

1. That the last pad, that being the northernmost pad on Route 245, be designated as Office Commercial;
2. That the middle pad and the front pad on the corner of Route 245 and Route 5 Bypass be given a Commercial-General designation with the condition that all businesses intended for occupancy on these three (3) pads must be reviewed by the Leonardtown Planning and Zoning Board. They will then issue a recommendation to the Leonardtown Commissioners who will make a final decision.
3. That only one (1) access point, that being the most northern access on Route 245 be allowed. This access shall support a right turn-in lane, a right turn-out land and a middle left turn lane. The other access point will continue to be reviewed as this Board is very concerned about traffic flow on our main arteries in Leonardtown and that we do the very best we can to assure that these roads are as safe as possible for the community they serve. And in this review process, the Academy Crossing developer is going to be required to clearly demonstrate that the second access is a necessity.
4. That the three (3) pads maintain a 75 foot green buffer setback along Md. Route 245. This buffer shall support a deceleration/acceleration lane as well as a brick paved sidewalk, to blend with those downtown. The buffer shall be landscaped with small trees and shrubs of a quality nature that will aesthetically be pleasing to the public eye.
5. That the pads facing Md. Route 245 be developed and constructed in a traditional style that is aesthetically complementary to the adjoining residential area as well as the original St. Mary's

Academy school building. The Leonardtown Planning and Zoning Board shall have a right to make an architectural review and meet the strictest requirements of the height standards.

6. That the pads fronting Route 245 shall have parking in the rear, and the rear being understood to be that on the interior of the property. Parking may be allowed on the side also, however, the side parking will be shielded from Route 245 by substantially sized quality shrubbery.
7. Parking lot lights must be unobtrusive to the area and have a traditional styling. The lights will be presented to the Planning and Zoning Board for review.
8. Signs on the property as well as the buildings shall be reviewed by the Planning and Zoning Board. Acceptance by the Board will be determined by two factors: one, the current sign ordinance and two, the impact on the aesthetics of the surrounding area.
9. There shall be a 30 foot buffer adjacent to the residential neighborhood on the northern parcel of land fronting Route 245.
10. A 4 foot high berm, which will screen the front parcel of land fronting Md. Route 245 from interior businesses. One cut through the berm will be allowed for efficient traffic circulation to and from the main entries fronting Route 245.
11. The property containing 1.81 acres of land fronting the south side of the Route 5 Bypass is denied the Commercial/Industrial designation.
12. The residential areas of the planed development shall be lighted in conformance with other residential neighborhoods in Leonardtown. The lights will be maintained by the homeowner's association within the residential neighborhood. All public streets throughout the development shall have lighting that is installed similar to that throughout the Town. The Town will assume maintenance of the street lights after the roads are turned over to the Town. All other lighting on private streets, parking lots, etc. shall be maintained by the homeowner's association or the developer.

13. The Townhouse units shall be limited to only six units per row.
14. Sidewalks shall be put on both sides of the public streets throughout the development.
15. All single family units shall be detached, however, if a need can be clearly demonstrated in the future this point may be reviewed by the Planning and Zoning Board.
16. We recommend that the developer be extremely sensitive to the trees on the property, especially those on the two lanes heading toward the Academy building, and strive to maintain as many as possible.

WITNESS OUR HANDS as of this ___ day of _____, 199_, in support of our Resolution dated January 14, 1991.

COMMISSIONERS FOR THE TOWN OF
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