



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
December 20, 2021 ~ 4:00 p.m.

Attendees: Laura Schultz, Vice-Chair
Doug Isleib, Member
Andrew Ponti, Member

Excused: Jean Moulds
Heather Earhart

Also, in attendance were Town staff members Laschelle McKay, Town Administrator; Jada Stuckert, Town Planner; and Teri Dimsey, Executive Secretary. Members of the public present were Douglas Ostazeski of Adtek Engineering, Roger Mattingly, Maria Perrygo, Jay Mattingly, Annette Hodges of the St. Mary's Nursing Center, Donnie Burch, Amanda Wood, Quintin Wood, Nick Colvin, Dan Burris, Ken Held, Wayne Hunt and Steve Vaughn of Little Silences Rest, and Trace Hall of the St. Mary's Nursing Center.

Vice-Chair Laura Schultz called the meeting to order at 4:06 p.m. *Member Ponti made a motion to approve the minutes of September 20, 2021 and Member Isleib seconded. The motion passed by a 3-0 vote.*

Town Administrator's Report:

Mrs. McKay provided an overview of the October, November, and December Town Council meetings.

New Business:

Case No. 70-16 **Dogwood Subdivision**
Request for favorable recommendation to Town Council for Concept Plan Approval.

Owner: St. Mary's County Advanced Life Support Unit, Inc.
Purchaser: Amanda and Quintin Wood
Surveyor: Little Silences Rest, Inc. C/O Steve Vaughn
Property: Cedar Lane and Route 5 Intersection
SDAT: Tax Map 0032, Grid 0023, Parcel 0402, Lot 1
Land Area: 2.00 acres
Zoning: Planned Unit Development (PUD)

Mrs. Stuckert presented the staff report indicating the applicant is requesting a revision to an existing PUD for a six (6) lot single-family home subdivision at the corner of Cedar Lane and Route 5. The subdivision is proposed to contain six one-story homes on a Cedar Lane Road extension to be named at a future date.

The property was originally part of the Academy Hills Subdivision PUD. Ellenborough Ridge, LLC received Concept Plan approval to build one medical building in March of 2008. The Dr. Wilkinson (Ellenborough Ridge, LLC) medical building never moved forward. The property was then purchased by the St. Mary's County Advanced Life Support (ALS) Unit in 2014 who planned to propose a new ALS building however, the

project stalled and never moved forward. In 2020, a Dollar General Store was proposed to be built on the property however the project did not move forward. New purchasers are proposing changing from commercial to single-family homes on the lot.

Changes to approved PUD's require Town Council Review and approval per Section 155-24.D.2 of the Zoning Ordinance. The proposed Concept Plan will require Town Councils approval of six (6) EDU's. The proposed roadway crosses a stretch of land belonging to the State Highway Administration (SHA). If SHA refuses the proposed roadway easement, the applicant will resubmit to the Planning and Zoning Commission and Town Council to extend Nazareth Court in the Academy Hills subdivision.

The project has been submitted to Soil Conservation District and Department of Public Works, Leonardtown Volunteer Fire Department, and State Highway Administration. To date, no approval comments have been received.

Member Isleib inquired about the entrance plan. Mrs. Wood indicated they had considered using the existing road in Academy Hills but were concerned with the construction traffic causing issues with the neighbors and therefore decided to utilize Cedar Lane for the entrance. Member Isleib asked about the drainage from the properties and indicated he would not be in favor of negative drainage affecting existing homeowners in Academy Hills. Mrs. Wood indicated each lot would contain its own stormwater management device and there would be one larger stormwater management device for all six lots.

Member Isleib made a motion to recommend the request for Case No. 70-16, for a revision to an existing PUD from commercial to six (6) single family homes to Town Council and Member Ponti seconded. The motion passed by a 3-0 vote.

Case No. 43-21	Assisted Living and Memory Care Facility Request for Concept Plan review and approval.
Owner:	St. Mary's Assisted Living Facility, LLC
Engineer:	ADTEK C/O Douglas Ostazeski
Property:	42156 Saint Andrews Church Road
SDAT:	Tax Map 0041, Grid 0001, Parcel(s) 0001 and 0002
Land Area:	20.51 acres on Parcel A and 0.55 acres on Parcel B
Zoning:	Institutional Office (I-O) Resource Conservation Area (RCA) Overlay

Mrs. Stuckert presented the staff report indicating the applicant is requesting Concept Plan review and approval for the construction of a 31,995 sq. foot assisted living and memory care facility. The property is partially located in the Critical Area's Resource Conservation Area (RCA) which requires both Growth Allocation and Critical Area Commission review and approval. The Assisted Living use is permitted as a special exception use which will require Board of Appeals review and approval. Considering the scale of the project, staff has outlined the approval process below:

1. P&Z Concept Site Plan approval
2. P&Z Recommendation to Board of Appeals for Special Exception Use
3. BOA Special Exception approval
4. TC Review and Approval of Growth Allocation request
5. Critical Area Commission Growth Allocation review and approval
6. P&Z Final Site Plan approval

The property was annexed into Town Limits on March 26, 2021. The annexation agreement approved by Town Council allocated EDU's for Phase one (1) of the development, with additional EDU's in Phase two (2)

to be allocated after the expansion of the Town's Wastewater Treatment Plant. The properties currently contain 0.12 acres of existing lot coverage consisting of two dilapidated houses, a dilapidated building, and a dilapidated barn which are all proposed to be demolished. At this time, no construction is proposed to take place on Parcel B. Of the 21.06 acres 4,721 sq. ft. will be parking landscaping, 14.3 acres will remain forested, and 5.52 acres of forested area will remain in a conservation easement.

The proposed 31,995 sq. foot facility will contain 32 units with approximately 15 staff members. This project provides for 27 parking spaces which meets the Town's parking requirements.

The project has been submitted to Soil Conservation District, Department of Public Works and Transportation, State Highway, Leonardtown Volunteer Fire Department, and the State Fire Marshal for review. To date, initial approval comments have been received by the Soil Conservation District, Department of Public Works and Transportation, and State Highway which includes the Traffic Study.

Member Isleib asked if the 27 parking spaces would be enough for the size of the development. Mr. Ostazeski indicated the patients would be those with dementia and therefore would not have their own vehicles. The parking spaces are for visitors and staff. Member Ponti inquired about the removal of the existing buildings on the property. Mrs. Stuckert indicated the applicant has already contacted the local Fire Department to remove the buildings via training exercises.

Member Ponti made a motion to approve the request for Case No. 43-21, Concept Plan for a 31,995 sq. ft. assisted living and memory care facility pending special exception approval from the Board of Appeals and Member Isleib seconded. The motion passed by a 3-0 vote.

Case No. 43-21 Assisted Living and Memory Care Facility
Request for favorable recommendation to Board of Appeals for Special Exception.

Owner: St. Mary's Assisted Living Facility, LLC
Engineer: ADTEK C/O Douglas Ostazeski
Property: 42156 Saint Andrews Church Road
SDAT: Tax Map 0041, Grid 0001, Parcel(s) 0001 and 0002
Land Area: 20.51 acres on Parcel A and 0.55 acres on Parcel B
Zoning: Institutional Office (I-O) Resource Conservation Area (RCA) Overlay

Mrs. Stuckert presented the staff report indicating the applicant is requesting favorable recommendation to the Board of Appeals for Special Exception. Nursing Centers and Assisted Living facilities are allowed by special exception per Section 155-45 of the Zoning Ordinance. Section 155-104.C indicated the Planning and Zoning Commission shall review a request for a special exception and forward its recommendation to the Board of Appeals.

Member Isleib made a motion to recommend the request for Case No. 43-21, recommendation to Board of Appeals for a Special Exception use and Member Ponti seconded. The motion passed by a 3-0 vote.

Case No. 83-21 Dairy Queen
Request for Concept Plan review and approval.

Owner: Burch Oil Company, Inc.
Surveyor: Little Silences Rest, Inc. C/O Darren Jones
Property: 22875 Washington Street
SDAT: Tax Map 0127, Grid 0022, Parcel 0286
Land Area: 1.27 acres

Zoning: Commercial Business (C-B)

Mrs. Stuckert presented the staff report indicating the applicant is requesting Concept Plan review and approval for the construction of a 2,662 sq. foot Dairy Queen. The property currently contains a 3,125 sq. ft. car wash facility which is proposed to be demolished.

Per the Zoning Ordinance, 10% or 2,331 sq. ft. of the parking facility is required to be landscaped. The applicant is proposing a total of 4,206 sq. foot of landscaping. Parking is required at a rate of one (1) space for every 50 sq. ft. of gross floor area, plus five (5) stacking spaces per drive-through window. A total of 53 spaces is required for the project and only 42 spaces are provided along with eighteen (18) stacking spaces for the drive-through. The shortage of eleven (11) parking spaces will need to be addressed.

While the building will front on Washington Street with a "one lane in" route, there is vehicular access between the proposed development and the existing Burch-Mart. There are also two lanes exiting onto Washington Street as well as an entrance and exit onto Lawrence Avenue. The proposed development has also provided for a fenced dumpster enclosure. All signage will be required to submit for a separate building permit in keeping with the Town's sign regulations.

The project has been submitted to Soil Conservation District, Department of Public Works and Transportation, Leonardtown Volunteer Fire Department, and the State Highway Administration for review. To date, initial approval comments have been received by both the Soil Conservation District and the Department of Public Works and Transportation.

Mrs. McKay indicated two letters of opposition of the development have been received. In light of these letters, it is necessary to discuss how zoning law works. Zoning laws regulate the use of the land; it controls the way the land can be developed i.e. commercial, residential etc. What zoning laws do not do is dictate which particular businesses are allowed to go on the land. If an applicant meets the zoning category and the land is zoned commercial then the municipalities hands are tied because the property owner has rights. There is a process to change these things and this is something we are working on. The Town's Comprehensive Plan is the overriding guide on how properties can be developed and this plan is updated every ten years as required by law. The next comp plan update is due in 2023 and staff has been working on the update since 2019. It is during this update that we can make changes to the zoning if necessary. What we cannot do is deny a certain restaurant or business simply because we do not like it, that is discrimination and we will end up in court.

Some towns across the United States have adopted Formula Business Restrictions to help protect their downtown areas and/or combat an over development of certain businesses. The Town is looking into these regulations and will be forming a committee to make recommendations to the Planning and Zoning Commission as well as Town Council. At this point in time the Planning and Zoning Commission is charged with making sure the proposed development meets the requirements of the ordinance.

With regards to the parking, town staff provided additional details after meeting with the applicant. Per Section 155-55 of the code, the Planning Commission may accept less than the required number of parking spaces for a proposed project. Staff requested that the applicant provide a significant number of stacking spaces for the drive-thru based on issues on a nearby site. The applicant is providing 42 spaces and 18 stacking spaces for the drive-thru. Staff believes that the stacking spaces are more applicable to this site than the parking spaces and recommends accepting the reduction of 11 regular spaces in exchange for the 13 extra stacking spaces over the required 5 spaces. The Planning Commission also has the option to require a special study for parking and transportation if they so choose.

Member Isleib asked why more parking spaces were not added to the rear portion of the property. Wayne Hunt indicated this portion of the property is zoned differently and is slated for additional development in the future.

Member Isleib referenced the letters received indicating the most referenced issue seems to be the traffic and asked if a traffic study was done. Mr. Hunt indicated a traffic study was done. The traffic counts were adjusted for COVID therefore the counts being used are actually greater than the number of cars counted. The study determined that almost all of the intersections operate at an acceptable level of service. The only one that operated at a level D (which is still acceptable) was the left hand turn out of the site onto Washington Street. Vice-Chair Schultz indicated if 70% of people will be driving in and out of the site the cue lane would fill up and back up traffic further down Washington Street which is something we are trying to avoid. Mr. Hunt stated that if the cue does fill up there is an alternate exit onto Lawrence Avenue. Member Ponti asked when SHA would send their comments on the traffic study. Mr. Hunt stated the traffic study was submitted to SHA on October 23, 2021 and we should have something back from them soon. Vice-Chair Schultz and Member Ponti indicated the SHA comments are a very important piece of information in this case.

Although the case is not before the Planning Commission for a public hearing, Vice-Chair Schultz asked if there is any public comment. Maria Perrygo stated she is the owner and operator of Do Dah Deli across from Dunkin Donuts and she lives on Lawrence Avenue across the street where the proposed entrance is proposed. I understand that we cannot pick and choose which businesses go in the town however the negativity I have heard in the last six hours over this development is worth listening to. We like our neighborhood and that there is no traffic on Lawrence Avenue. The fire house and rescue squad use Lawrence Avenue on a daily basis to get to their calls. If parking and an entrance is allowed on Lawrence Avenue for this business it is going to cause traffic and bog down the rescue squad. As it is now, my customers can't get to me on a good day due to the Dunkin Donuts so by adding yet another large franchise in the area the traffic is going to become a nightmare. We have enough restaurants here and more coming in, I don't think it is necessary to put a Dairy Queen on the corner of Washington and Lawrence Avenue. Mr. Hunt provided copies of a traffic flow map indicating where the actual entrance and exits are proposed to be located. Perrygo indicated there is no traffic light on Lawrence Avenue so people who are trying to avoid Washington Street will attempt to make a left turn onto Route 5 from Lawrence which will cause a traffic cue backup on Lawrence Avenue.

Ken Held indicated that right now when you exit the gas station there are three entrances on Washington Street and only one exit which is in front of the existing car wash. Will the exit from the gas station change as well? Mr. Hunt stated that entrance/exit will not change.

Member Ponti thanked the public for their comments and indicated that the Commission is trying to make the best decision they can with the information provided. Did we receive comments from the Fire Department? Mrs. Stuckert stated the plans were sent to the Fire Department however no comments have been received to date. Member Ponti indicated he would like to hear from the Fire Department and SHA prior to making a decision on the case. Vice-Chair Schultz agreed, indicating it is an important piece of information now just for the Commission but for the public as well.

Member Ponti made a motion to delay the decision on the request for Case No. 83-21, Concept Plan for a 2,662 sq. ft. Dairy Queen until State Highway and the Leonardtown Volunteer Fire Department comments have been received and Member Isleib seconded. The motion passed by a 3-0 vote.

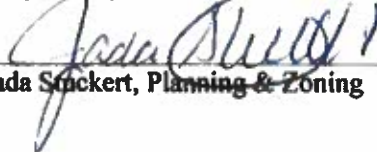
Mrs. Stuckert stated she would forward the comments from SHA and the LVFD to the Commission members as soon as they are received. Member Isleib addressed Mr. Hunt stating that he feels this particular site is of great importance when it comes to aesthetics. When we review the architectural plans for the building we will want to make sure it does not look like the normal Great Mills restaurant. Mr. Hunt indicated he would relay this to the applicant. Vice-Chair Schultz asked for anything that shows how the traffic will flow not just with the proposed site but with the Burchmart as well as all the entrances and exits.

Review of Monthly In-House Permits

Member Ponti questioned the inspection and violation notice for the Maryland Antique Center listed in the November report. I know that building is empty so why would a violation notice be given? Mrs. Stuckert indicated that the building is under new ownership and the owner completed construction without Fire Marshal review and approval and/or any building permits or inspections and were therefore issued a stop work order. Since then, Laschelle McKay, Dan Burris and myself have been working with the owner to get the proper approvals.

Vice-Chair Schultz entertained a motion to adjourn the meeting. Member Isleib made the motion; seconded by Member Ponti. There being no further discussion, the motion passed by a 3-0 vote. The meeting was adjourned at approximately 4:58 p.m.

Respectfully submitted:

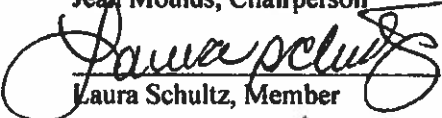


Jada Stuckert, Planning & Zoning

Approved:

Excused

Jean Moulds, Chairperson



Laura Schultz, Member



Andrew Ponti, Member

Excused

Heather Earhart, Member



Doug Isleib, Member