



# 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 18, 2023 ~ 4:00 p.m.

Attendees: Jean Moulds, Chairperson - Excused  
Laura Schultz, Vice-Chair  
Doug Isleib, Member  
Andrew Ponti, Member  
Sean Lawson, Member - Excused

Also, in attendance were Town staff members Laschelle McKay, Town Administrator, Mike Bailey, Town Planner; Teri Dimsey, Executive Secretary, Emily Stagner, Main Street Manager, Rodney Gertz, Developer, Yagya Oli, Engineering Consultant, Kaviraj Prakash, Engineering Consultant, Bhoopendra Prakash, Engineering Consultant, Brian Fenwick, Owners Representative, James Horstkamp, Owner of Old Gum Properties and Wayne Hunt, engineer from LSR. Sign-in sheets for this meeting are on file at the Town Office.

*Vice Chairperson Schultz called the meeting to order at 4:00 p.m. Member Ponti made a motion to approve the minutes of October 16, 2023 and Member Isleib seconded. The motion passed by a 3-0 vote.*

### Town Administrator's Report:

Mrs. McKay gave an overview of the recent Town Council meeting that was held on November 13, 2023. Mrs. McKay communicated that the Council held a public hearing for the Leonardtown Cottages Planned Infill Redevelopment project in which Town Council approved the PIRD during the December 11, 2023 meeting. Mrs. McKay communicated that the Town Council approved Phase 4 of the Downtown strategic plan.

### Review of In-House Permits:

- Review of Monthly In-House Permits (October & November 2023)

### New Business:

#### **PUBLIC HEARING SCHEDULED FOR 4:10 PM**

- **Case No. 45-16 D – Property known as Land of Old Gum Supply, LLC.** – Tax Map: 40; Parcel: 017, Premise Address: 22675 Cedar Lane Court, said property owner is requesting a favorable recommendation to Town Council for change in zoning from Residential Single-Family (R-SF) zoning to Commercial Office (C-O) zoning.

Owner: Old Gum Supply CO. LLC.  
Engineer: Little Silences Rest  
Property: 22675 Cedar Lane Court  
SDAT: Tax Map 040, Grid 0006, Parcel: 017  
Land Area: 60,548 SF +/-  
Zoning: Residential Single Family (R-SF)

Mr. Bailey communicated to the members that in accordance with the rezoning process the property was posted, certified mailings to adjacent property owners were mailed on December 7, 2023 and an ad was placed in the County Times Newspaper on December 7, 2023.

The Planning Commission held a Public Hearing on the request for rezoning of the property located at 22675 Cedar Lane Court. The Planning Commission made a favorable recommendation to the Town Council, who held a Public Hearing on January 8, 2024 for a final decision.

The subject property is located at the northeast side of the intersection of Point Lookout Road also known as Maryland Route 5 and Cedar Lane Road, the said property being on the west side of Cedar Lane Court (See Site Map). The property currently is occupied by two dwelling units with multiple outbuildings being utilized for storage. The total square footage of the existing buildings impervious surface is 10,331 square feet +/- . The existing property is served by private well and septic system. The recorded property acreage is 1.39 acres or 60,548 sf.

The subject property is currently zoned Residential Single Family (R-SF). The adjacent property to the east known as Cedar Lane Apartments is zoned Residential Multi Family (R-MF). The adjacent property to the southeast known as the St. Mary's Medical Arts Building is zoned Commercial Business (C-B). The adjacent property to the west across Maryland Route 5 known as the Foxwell Office Building is zoned Commercial Office (C-O).

According to Article 66B of the Annotated Code of Maryland, rezoning of property can only be granted where it has been demonstrated that a mistake in the original classification of the property or that there has been a significant change in the character of the neighborhood to warrant rezoning since the last comprehensive rezoning dated March 01, 2021. The applicant proposes that there has been a significant change in the neighborhood within the development area of the Cedar Lane Apartments and the continual development of the Rt. 5 corridor in the area of the subject property.

Mr. Bailey communicated that the Engineering Consultant Representative, from LSR and the Owner James Horstkamp is present to present to the Planning Commission the project rezoning case.

***Mrs. Schultz Vice Chairperson, at 4:10 pm entertained a motion to close the regular planning meeting and open the Public Meeting. Member Isleib made a motion to close the regular Planning Commission Meeting and open the Public Meeting; seconded by Member Ponti, the motion passed by a 3-0 vote.***

Mr. Wayne Hunt communicated the site has existed since before the early 1900's as a two-acre lot with houses and a small field surrounded by properties that were either forested or farm fields. The property has stood in residential use since that time.

Mr. Hunt further communicated that the character of the properties surrounding the site has changed considerably since May of 1974. The property south of the site was formally established as Ryken High School in 1956. Around 1969, shortly after MD 5 (Fenwick Street) was rerouted to its current location, and a commercial building was constructed near the southeast corner of the site that is now the Pharmacy and UPS store. Shortly thereafter, construction began on the Cedar Lane Senior Living Center situated east of the site. Construction of the Senior Living Center was completed around 1974 and expanded in 1980 and again in 2002 to its current configuration. In the late 1980's and early 1990's, the MD 5 bypass was constructed and replaced to its current location. This relocation brought the site to within close proximity of the arterial roadway. In 2000, the building that now houses the Center for Children was built near the west side of the site. In 2001, the building that now houses the Veterinary Hospital was built near the southeast corner of the site.

The properties to the northwest side of the site and Cedar Lane Senior Living Center are now zoned RMF (Residential Multi-Family) The property northwest of the site is now zoned PUD (Planned Unit Development). Both of those are high intensity residential zoning districts. The properties to the southeast side of the site, which contains the Pharmacy, UPS Store and Veterinary Hospital, area zoned CB (Commercial Business). The

property to the south side of the site, which contains Ryken High School, is zoned IO (Institutional Office). The final property to the north side of the site is located outside of the Town of Leonardtown, and is zoned RPD (Rural Preservation District). This is the only property in vicinity of the site that has seen little change in intensity of use.

Mr. Hunt and the owner believe that the site garnered little attention when zoning maps were created or modified, as its use had remained consistently unchanged for a very long time. Mr. Hunt and the owner believe, that if more thought had been given to recent changes in the character of the neighborhood as well as what the future character of the neighborhood might be, a different zoning would have been applied to the site. The current zoning, RSF, is a low intensity use zoning. The site is currently almost completely surrounded by higher intensity use zonings. The nearest RSF zoned property is over 1,000 feet away from the site. It is almost like a small island of low intensity use in a sea of high intensity uses. Furthermore, the site is located at an intersection of major streets in the area, which is typically a more desirable place for higher intensity uses and less desirable for residential single-family use.

Mr. Hunt communicated that the zoning change will have little impact on the Adequacy of Public Facilities. Water and sewage connections are in place and usage is typically less for a commercial use than a residential use. The proposed commercial office use (the relocation of an existing business) will have little to no impacts on schools, police, parks, government services or fire and rescue. The commercial office use (verses commercial business) will have little impact to traffic beyond its current use and will not require any changes to existing traffic patterns.

Mr. Hunt communicated that any additional development on the property would be subject to the Town Planning Department review and approval.

***Mrs. Schultz, Vice Chairperson, entertained a motion to close the Public Meeting and open the Regular Planning Commission Meeting. Member Ponti made a motion to close the Public Meeting and open the Regular Planning Commission Meeting; seconded by Member Isleib, the motion passed by a 3-0 vote.***

Vice Chairperson, Schultz inquired as to how much additional traffic would a commercial office facility generate as opposed to the residential single-family facility already existing.

Mr. Hunt responded that it would depend on the commercial office development but he did not see traffic being pushed beyond the existing current use at this time.

***Mrs. Schultz, Vice Chairperson, entertained a motion on Case No. 45-16 D, Member Ponti made a motion to make a favorable recommendation for Case No. 45-16 D, for rezoning of the property known as Land of Old Gum Supply, LLC. – Tax Map: 40; Parcel: 017, to Town Council, seconded by Member Isleib, the motion passed by a 3-0 vote***

### **Old Business:**

- **Case No. 44-22 – Lot 1 – Dash In Food Stores Subdivision** – Property known as Dash In Gas & Convenience Store is requesting final site plan approval and façade approval for a new 3,870 sq. ft. building and 4,232 sq. ft. canopy with gas pumps.

Owner: Dash In Food Stores, Inc.  
Engineer: The Plan Source (TPS)  
Property: 26065 Point Lookout Road, Leonardtown, MD 20650  
SDAT: Tax Map 126, Grid 0004, Parcel 101  
Land Area: 0.9797 Acres or 42,674 square feet  
Zoning: Commercial Highway (CH) Intensely Developed Area (IDA) Overlay  
Mr. Bailey communicated the subject property is Lot 1 of the Dash In Food Stores Minor Subdivision recorded

on November 5, 1999, in the Plat Records in Plat Book 49 at page 8. The property is located at the south side of the intersection between Newtowne Neck Road and Maryland Route 5 (Point Lookout Road).

Mr. Bailey communicated that the project received concept approval from the Planning Commission on July 17, 2023.

Mr. Bailey communicated that the approved concept plans limit of disturbance only impacts the Joint Access Easement on the subject property. This will allow approximately 20 feet of the travel portion of the access easement to be untouched and remain open to continued traffic use. Per Chapter 155-34, A. Not less than 10% of the gross lot area shall be devoted to landscaped green areas, including all side, front and rear yards. The final design plans have increased the landscape area by 5,103 square feet or (27.2% of site). The final project meets the requirements for parking.

Mr. Bailey communicated that the project to date has received final approval from St. Mary's County Department of Public Works & Transportation, St. Mary's County Soil Conservation District, the State Highway Administration and the Leonardtown Planning Department and Leonardtown Capital Projects Department.

The Architectural Plans have been reviewed by the State Fire Marshals office with only minor comments to be addressed.

*Mrs. Schultz, Vice Chairperson, entertained a motion in Case No. 44-22, Member Isleib made a motion to approve Case No. 44-22, Final Site Plan and Façade approval for the relocation and reconstruction of the existing building on the subject property pending Fire Marshal final approval, seconded by Member Ponti, the motion passed by a 3-0 vote*

- **Case No. 100-15 A – Meadows at Town Run – Section 2 – Phase 2 – 74 Town Homes – Owner / Consultant is requesting final approval of Phase 2 – 74 Town Home site development plan, façade approval and record plat recommendation to Town Council.**

Mr. Bailey communicated that the subject property is located on the east side of MD Route 245, in close proximity to its intersection with McIntosh Road and is better known as the Wilkinson Farm. The southern boundary of the property adjoins the Town of Leonardtown municipal limits through the Meadows at Town Run Section I, Phase II. The farm was annexed into the town in August 2015. Per Section 3.4 of the annexation agreement the applicant agreed to dedicate a parcel of sufficient size to accommodate a well/water tower.

Mr. Bailey communicated that the property was recommended to Town Council on January 18, 2022 by Leonardtown Planning Commission for Concept Plan approval. Town Council approved the Concept Plan on February 14, 2022. The Planning and Zoning Commission on August 29, 2022 recommended final site development plan approval to Town Council. St. Mary's County Soil Conservation District requested a revised phasing plan to limit the amount of disturbance on the project. The owner and engineering consultant revised the plan and changed the phasing of the project to accommodate the request of St. Mary's Soil Conservation District. On December 12, 2022 the Town Council approved the revised phasing plan which consists of constructing the main road into the subdivision identified as Wildflower Drive as Phase One. The rear of the site located adjacent to the proposed new water tower has now been identified as Phase Two of the project which consists of 74 front load townhomes and a sewer pump station.

Mr. Bailey communicated that the State highway entrance at the intersection of Hollywood Road (MD 245) has been completed. Meadows at Town Run Section 2 - Phase One - Wildflower Drive was approved and issued a construction permit on May 10, 2023. Wildflower Drive is currently under construction with the placement of

utilities along said proposed road.

Phase Two (74 townhouse units) was submitted on June 22, 2023 to St. Mary's County Department of Public Works & Transportation (DPW&T) and St. Mary's County Soil Conservation District (SCD) for final review. DPW&T and SCD have approved the final site development plan. The Town Planning Department and Capital Projects Department have reviewed and approved the final site development plans.

Owner representative, Rodney Gertz gave a presentation of the proposed facades for the seventy-four townhome units.

***Mrs. Schultz, Vice Chairperson, entertained a motion in Case No. 100-15 A, Member Ponti made a motion to recommend final approval of Case No. 100-15 A, Final Site Plan and Façade approval for the Meadows at Town Run, Section 2, Phase Two (74 Townhouse Units) to Town Council, pending Fire Marshal final approval to Town Council, seconded by Member Isleib, the motion passed by a 3-0 vote***

***Mrs. Schultz, Vice Chairperson entertained a motion to adjourn the meeting. Member Isleib, made the motion to adjourn meeting; seconded by Member Ponti. There being no further discussion, the motion passed by a 3-0 vote. The meeting was adjourned at approximately 4:35 p.m.***

Respectfully submitted:

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Michael A. Bailey, Planning & Zoning

Approved:

Excused  
Jean Moulds, Chairperson

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Laura Schultz, Vice Chairperson

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Andrew Ponti, Member

Excused  
Sean Lawson, Member

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Doug Isleib, Member