



STAFF REPORT
Board of Appeals
September 25, 2023 – 4:00 pm.

Case No. 05-05 A Splash-In Carwash

40874 Merchants Lane, Leonardtown, MD 20650
Request for a Special Exception for a Carwash
(Chapter 155-26 C. Automobile-related uses)

Owner: **NIVEA-NAGGENA, Inc.**
Client: **The Wills Group**
Property: Lot 2 – Gordon H. Ragan Subdivision – Plat 39 @ 78
 40874 Merchants Lane, Leonardtown, MD 20650
SDAT: Tax Map 120, Grid 0018, Parcel: 394
Land Area: 1.50 Acres+/-
Zoning: Commercial Business (C-B)

The case was advertised in the County Times on September 05, 2023 and September 19, 2023. The subject property was posted and certified letters were sent to the contiguous property owners on September 19, 2023. Certified mail receipts have been received and are in the case file. The applicant is requesting a special exception use for the construction of a 3,543 sq. foot carwash facility. The Planning and Zoning Commission provided a favorable recommendation on September 18, 2023. The property is located in an existing shopping center which consist of a multiple grocery stores, nursery and other retail stores.

The Lot was recorded in the plat records of St. Mary’s County on August 23, 1994. The Lot has had multiple uses over the years which include restaurants.

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 3,543 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.

Section 155-45.E.(1) allows for Nursing Centers as a Special Exception if approved by the Board of Appeals. Section 155-102 indicated the Board of Appeals must find that such exceptions will not substantially affect adversely the uses of adjacent and neighboring property. Section 155-136.A dictates that the Board of Appeals must give consideration to the following (Exhibit 2):

1. The number of people residing or working in the immediate area concerned.
2. The orderly growth of a community.
3. Traffic conditions and facilities.
4. The effect of such use upon the peaceful enjoyment of people in their homes.
5. The conservation of property values.
6. The effects of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
7. The most appropriate use of land and structure.
8. Decisions of the courts.
9. The purpose of these regulations as set forth herein.
10. The types and kinds of structures in the vicinity where public gatherings may be held, such as schools, churches and alike.

Action Needed Today: The applicant is requesting a special exception use approval for the construction of a 31,995 sq. ft. memory care facility. The Board of Appeals can vote to approve, approve with conditions, delay or deny a decision.

Sample Motion: I move to (approve, approve with conditions, delay or deny) the request for Case No. 43-21, Special Exception Use for a 31,995 sq. ft. memory care facility.

Attached Exhibits:

1. P&Z Meeting Minutes of 12/20/2021.
2. Pertinent Ordinance Sections
3. Concept Site Plan dated November 2021
4. Architectural Rendering dated October 29, 2021
5. Location Map